

# HANDBOOK

THE  
BOOK OF THE GENERAL

## LAUUES AND LIBERTYES

for  
CONCERNING THE INHABITANTS OF THE MASSACHUSETTS  
COLLECTED OUT OF THE RECORDS OF THE GENERAL COURT  
FOR THE SEVERAL YEARS WHEREIN THEY WERE MADE  
AND ESTABLISHED.

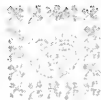
## RECREATION AND PARK

And now revised by the same Court and disposed of in a new order  
and published by the same Authority in the General Court  
held at Boston the fourteenth of 1648  
in the month of June

## BOARDS

And whereas therefore by the Court, the General Court of 1648,  
and they that reigned therein, in  
the month of June

## MASSACHUSETTS



Bureau of Government Research  
University of Massachusetts  
Amherst

CAMBRIDGE.

Printed according to order of the GENERAL COURT.

1648

And are to be sold at the Shop of H. R. Kirk Ofter  
in Boston.

Publication of this Document Approved by Alfred C. Holland, State Purchasing Agent.

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containing more then ten acres of land, and that no man shall come upon an-  
others propriety without their leave otherwise then as hereafter expressed. The  
which clearly to determine, It is Declared, That in all Creeks, Coves and other pla-  
ces, about and upon Salt-water, where the Sea ebbs and flowes, the proprietor of  
the land adjoyning, shall have propriety to the low-water-mark, where the Sea  
doth not ebb above a hundred Rods, and not more wheresoever it ebbs further.  
Provided that such proprietor shall not by this liberty, have power to stop or  
hinder the passage of boates or other vessels, in or through any Sea, Creeks or  
Coves, to other mens houses or lands. And for great Ponds lying in common,  
though within the bounds of some Town, it shall be free for any man to fish and  
fowle there, and may pass and repass on foot through any mans propriety for  
that end, so they trespass not upon any mans Corn or Meddow. [1641, 47]

2. Every man of, or within this Jurisdiction, shall have free liberty (not-  
withstanding any Civil Power) to remove both him selfe and his family, at their  
pleasure out of the same, Provided there be no Legal impediment to the con-  
trary. [1641]

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PUBLIC ADMINISTRATION STUDY NUMBER 6

**HANDBOOK**  
**for**  
**RECREATION AND PARK**  
**BOARDS**  
**in**  
**MASSACHUSETTS**

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BUREAU OF GOVERNMENT RESEARCH  
UNIVERSITY OF MASSACHUSETTS  
AMHERST

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## BUREAU OF GOVERNMENT RESEARCH

The Bureau of Government Research is a research, training and service organization within the University of Massachusetts. It was established in January, 1956.

The functions of the Bureau are: (1) to conduct research in significant local and state governmental problems; (2) to provide research material in the social sciences for faculty and students; (3) to organize training institutes for public officials; (4) to furnish consultative services to governmental units; and (5) to serve as an information center for persons interested in public problems.

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## Foreword

In light of the intensifying popular concern for public recreational opportunities, it is felt that this handbook will be of significant value to those charged with developing and administering these multiple use facilities.

While it is generally acknowledged that participation in recreation has always been enjoyed by man, greater emphasis has been accorded to it in recent years, thanks to the increase in leisure time. Recreation affords an outlet for self-expression and is one way of attaining contentment — if not happiness.

The urbanization of the nation, broadened educational opportunities and the changing role of the home indicate the need for the intelligent use of leisure. Recreation is not the only means to the good life, but it is a way to develop the spirit of cooperation so important to a democratic society. It is in the context of individual and social gain that the negligible costs of supporting public recreation programs are justified.

It is recognized that private and commercial recreational areas are expanding in number and variety, but it seems naïve to assume that the entire need can be satisfied on that basis. Actually, recreation is so vital to the general welfare that government cannot reasonably neglect its responsibilities in this field — nor will the people permit it to do so. This has been long recognized in Massachusetts, thanks to the national leadership assumed by Boston and Brookline in the nineteenth century to establish and support recreational facilities and parks; nor may we overlook the unselfish contributions of the late Joseph Lee of Boston in promoting public recreation nationally and internationally.

While the importance of public recreation is granted, the views and opinions stated in this handbook are those of the author, and neither the Bureau of Government Research nor the University necessarily agree with these expressions.

Amherst, Massachusetts  
May, 1963.

WILLIAM G. O'HARE, JR.  
*Director*

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# Introduction

First, this Handbook has been prepared for the guidance of town and city officials in the establishment of Recreation and Park Boards in the Commonwealth of Massachusetts. Secondly, this Handbook may serve as a guide to board members as they perform their duties. As a third thought, it may be of educational value to those citizens who are "just interested" in the functions of local managing authorities of municipal recreation — the Recreation Board.

Good municipal recreation programs lie in the need for a sound policy-making governing authority. This authority may be best vested in a Board of Recreation, Board of Recreation and Parks, or in a Recreation Commission. Technically, the terms "Board" and "Commission" are not synonymous; however, they are frequently used synonymously. In the broadest and best sense, a "Board" is comprised of lay leaders or interested citizens who are members of the community and who have a variety of professional careers but are not necessarily trained academically in the professional field of recreation. A "Commission" is construed to be an acting body of professionals with training geared to the subject which the group intends to govern. It is then, the former, the *lay* group of public minded individuals who have banded together to form a managing authority as the Board of Recreation or Board of Recreation and Parks for the organization of public recreation, to whom this Handbook is primarily intended.

The Handbook's objectives are by necessity concise. Clear presentation of basic facts which surround public recreation as established by proven policies of recreation and park boards are encumbered here without undue simplification, or weighty dependency on technical terminology.

Since each municipality in Massachusetts has its own particular "personality" there is no one "best" method of managing recreation programs under the auspices of the "tax dollar" suitable for all communities. But those municipalities which have many of the same identifiable characteristics would do well to consider the examples of an already proven program or department of another New England town or city. The general framework will vary but the underlying factors of presenting programs geared to the needs and interests of all the citizens on a long-range, year-round basis are ideas synonymous to community growth and progress.

A small percentage of the three hundred and fifty-one towns and cities of Massachusetts have recognized Park and Recreation Boards. Several towns and cities are in the process of classifying interested lay-groups as boards and other communities have organized special committees or have employed consultants to study developing procedures. Public recreation is, therefore, receiving the

commendable attention in Massachusetts that is indicative of its dynamic rather than static nature. It is particularly fitting that this be so in Massachusetts, which was one of the first states in the United States to plant and nourish the public recreation seed.

The complete work here is not original. Far from it, and the intent is not to present an original manuscript but base ideas on practical and tried situations which have proven successful. The author cites references where possible. The author's professional colleagues, with whom he discussed the manuscript, bear witness to its practical content and have readily volunteered a great deal of the information based on their many years of experience in the professional field of public recreation. For their reading and critically appraising the manuscript, the author thanks and cites Mrs. Theresa S. Brungardt, Vermont Director of Recreation, Mr. Vincent Hebert, Superintendent of Parks and Recreation, Pittsfield, Mr. James Lynch, Superintendent of Recreation, Brookline, Mr. William F. Ryan, Director of Recreation, Quincy, Miss Ruth McIntire, Professor Emeritus of Recreation, University of Massachusetts, Mr. Waldo Hainsworth, New England District Representative, National Recreation Association, Mr. J. Howard Manningham, President, Boston Law Book Company, and Member of the Massachusetts Bar, and Mr. F. Ellwood Allen, Allen Organization, Park and Recreation Planners, Bennington, Vermont, and the author's wife, Mrs. Elda B. Harlow, for her administrative research and secretarial assistance. Meritorious thanks are expressed to the author's former student, Mr. Thomas T. Taylor, now Assistant Superintendent of Recreation, Brattleboro, Vermont, for his collecting research data.

The author acknowledges with sincere appreciation the advice and materials of the National Recreation Association, the American Recreation Society, North Carolina Recreation Commission, the Vermont Board of Recreation, the Boston Law Book Company, American National Red Cross, the Housing and Home Finance Agency and the United States Treasury Department, Prentice-Hall Publishing Company, the Roland Press Company, Harvard Law Review Association, Boston Law Book Company, the Bureau of Government Research and the Department of Recreation of the University of Massachusetts.

Special thanks to Mr. George Nesbitt, Correspondence and Consultation Service of the National Recreation Association, for making available the library resources. To the University of Massachusetts Cooperative Extension Service, the author extends thanks for its support of the research.

The author acknowledges with appreciation the permission to use the written works of Professor Charles K. Brightbill, Head of the Department of Recreation and Municipal Parks Administration, University of Illinois, Dr. Harold D. Meyer, former Chairman of the Recreation Curriculum and Recreation Consultant to the North Carolina Recreation Commission, University of North Carolina,



and Mr. George Hjelte, former General Manager, Department of Parks and Recreation, Los Angeles, California. Finally, the "Grand Master of Recreation" himself, the author's former Professor and Dean, Dr. G. Ott Romney, Recreation and Tourism Consultant, Area Redevelopment Administration, United States Department of Commerce, Washington, D. C., is awarded a *special* thanks for taking the time from his busy schedule to read, comment, appraise, and "nod" approval on the final work here.

Where possible, the author gives reference credit where credit is due. Often a phrase cited herein is undoubtedly a favorite of many. Phrases may have been reshaped unintentionally but to the many professional recreators who have quoted them in the past or even "coined" them, the author offers appreciative thanks and it is hoped that here again they serve useful purposes and be immeasurable assets to the towns and cities of the Commonwealth of Massachusetts now in the initial throes of sponsoring public recreation for ALL.

DANA E. HARLOW

## I. LEISURE — A Basis of Culture

From the reputed beginning of civilization on the banks of the Tigris-Euphrates Rivers, man has had some form of leisure and through this leisure cultures have flourished or floundered. It is this leisure that has been the undisputed bulwark on which future generations have built their mores, their societal patterns, and their astute and systematic ways of life. True living is rooted deep in leisure habits. It is within this leisure that man for centuries has expressed his inner desires and wishes and has become bored or has been a bore. Pleasurable leisure has become a standard thesis of our twentieth century.

The ingenious methods by which the American people devise ways to employ their leisure are apparent. Diversions, entertainments, and amusements designed to provide vicarious experience and the organization of activities to induce active participation are to numerous to list. The variety is almost as great as the range of human capabilities and thought. They exploit nearly all of the innate capacities for feeling and action and are multiplied by the development which these capacities undergo in the experience of living. Their complexity is increased by inventive genius. They are not limited by the requirements of utilitarianism but are conditioned only by their ability to give human satisfaction and enjoyment. Through the centuries this has not always been true but is a product, for the most part, of the American people.

The ancient Mesopotamian, to fulfill daily needs, had to struggle against the elements. To nurture his own life and to further life, he expended his energies toward raw existence. His awakening hours were spent in obtaining life's basic necessities. But, even so, some form of leisure activities were apparent and his ancient society has left to the present his carvings, sculptures, and frescoes depicting early pastimes. Each succeeding generation has built on the preceding generation's habits and customs of leisure. Then, as today, leisure was and is representative of the greatest exhilaration of the individual or the lowest in moral degradation.

"Leisure," said the late Bernard DeVoto, "is one of the most priceless commodities known to man and the rarest of treasures but to many an excruciating pain." Leisure is not solely a product of this century, but the twentieth century has offered the virtues of leisure and compounded the problems for man with the age of technology and the thought of betterment and enjoyment for *all* individuals. During the century, more leisure has become apparent and social and technical progress has made its growth and importance inevitable.

The outgrowth of technology has been in the community consciousness of individuals and the organization of public recreation by public minded citizens. It is this recreation, through which most of

our leisure hours are spent, that has become "a producer of goods, a consumer of goods, and an employer of people."<sup>1</sup> Recreation, representative of our modern day, and identified as the worthy use of leisure has become a major economic force in world economics.

Priceless in the heritage of man and growing more rampant each day are the voluminous hours available to the twentieth century man and his contemporaries. The forces of economics are minute in comparison to the sociological, psychological, and spiritual totality rooted deep in the leisure of man. The many ending tangents of leisure and the role it plays in modern society are complex and demanding. Fortunate indeed are the few who can spend their leisure energies in a forthright way but less fortunate are the many who must look elsewhere, usually to society, for the fulfillment of leisure needs and the development of leisure habits. Dr. A. Whitney Griswold of Yale University has indicated a striking factor: "The aura of planned leisure no longer belongs to a juvenile society but to a Nation and world of Men as a necessary part of moral responsibility of the age and society to place, promote, and execute leisure programs for all age groups, in all facets of interest, and around the clock and calendar."<sup>2</sup>

Just what is *this thing* called RECREATION which fills most of our leisure? Dr. G. Ott Romney, eminent educator and philosopher, summed it up nicely when he said:

Man's climb from the mud up the rugged slope of civilization is the struggle for self-expression. It is the record of a never-ending fight to discover more and more creative talent within him and to release its power. Intrinsic to this progress has been the constantly tighter clutching of the doctrine of the personal dignity and individuality of the human being.

The degree to which self-discovery and self-expression have developed in the time dedicated to survival, as distinguished from the time available for pursuit of personal desires, has varied with the rung of the ladder to which man has advanced as well as with his material and spiritual values and achievements, the relative amounts of required working and resultant self-choosing time, and the limitations set by economic, sociological and political factors.

The pursuits which the individual chooses in his earned leisure, with the primary motivation of the gratification in the doing, are called RECREATION. It is thus apparent that it is not the WHAT but the WHY, WHEN, and HOW that identify recreation. For recreation is not a matter of motions but of the emotions. The activities (physical, mental, emotional, spiritual, social) are but the tools of the trade, the outlets of creativity.

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<sup>1</sup> Harold D. Meyer, "Recreation in a Contemporary Society." (Address) 19th Annual Vermont Governor's Conference on Recreation, Montpelier, Vermont. November 6, 1961.

<sup>2</sup> Harold D. Meyer. *Ibid*.

They provide the satisfaction of the desire for self-expression, the longing for recognition, and belonging, the appetite for competition, the hunger for adventure — hungers as real as those for food and sex and security, hungers for which gratification, sometimes to an alarming degree, is denied in working hours and by regimented experience, hungers which must be satisfied to insure personality and character growth, social adjustment and balanced living.

Recreation is an end unto itself in that it is indulged in for its own sake, not primarily for its dividends in specified kinds and amounts. Although recreation pays off, sometimes handsomely, in numerous valuable currencies, the paycheck of satisfaction in the doing provides its motivation and form of compensation.

Recreation is a universal need, a rightful expectation in a democratic society. It is part and parcel of democratic living. It is of the essence of the American way of life.

And the present-day high-speed society dominated by the magic of machines and miracles of science — an era of mechanization, specialization, standardization, urbanization, and materialism, in which the symbols generally worshipped are the dollar, fire-power, horse-power, miles per and revolutions per minute — each turn of the clock accentuates the responsibility of society to prepare its citizens from the cradle on for the arts of leisure.

For, with all their blessings, machines are frightening civilization with their manufacture of plethora of leisure which the people are ill-prepared to accept. Rich in recreation time, poverty-stricken in recreation attitudes, skills and habits, society must mobilize for war against the evils of its materialism and mechanization. This it must do by preparing its members to live, by providing more adequate recreation opportunities through its public and voluntary agencies and social institutions, and by giving wise direction and applying discreet control to its profit-motive commercialized recreation, a strong and necessary ally.

The right to choose one's pursuits in one's own free time is democracy's Fifth Freedom.

Recreation's purpose is not to kill time but rather to make time live; not to help the individual serve time but to make time serve him; not to encourage people to hide from themselves but to help them find themselves.

Recreation may be basking in the splash from a sunset or capturing its color and mood on canvas.

It may be that well-executed putt and the volunteered praise of a friendly competitor.

It may be scaling a peak and in breathless triumph surveying the stretching spaces and enjoying one's significance.

It may be drawing a bow across the violin strings or surrender to a moving symphony.

It may be strolling through the woods and noting the *Dolichonyx oryzivorus* or just startling the bobolink, or surprising that "little bird with a dozen bright colors."

It may be a dance or finding and polishing pretty rocks, reading a book or conversing with a friend.

It may be picnicking — the mother spreading the contents of the baskets to the shouting laughter of playing youngsters and the bragging by the men.

But never is it measured by what the participant does to or with the object or situation. Instead, recreation is concerned with what the doing does to the doer.

For recreation is an important segment of the living process. By their recreation, people's lives and personalities are shaped, communities take on complexion, nations develop cultures. Recreation takes its place with work, religion, and education as the living areas which add up to LIFE.\*

The role of recreation is deeply rooted in the history and culture of the Commonwealth of Massachusetts. The Commonwealth could well be proud of her early accomplishments and gifts in leisure program development to the Nation, but before she "struts" too high and freely, she would be wise to look at the present-day accomplishments of other States in relation to her own. While Massachusetts came to the forefront with the first sand-garden — the forerunner of the playground system, the first swimming pool, the birthplace of the gentleman, Joseph Lee, who became known as the "Godfather of Play," she has watched her water resources become contaminated, her beach and mountain areas become desecrated, and a bedlam of atrocities created against the moral conscience of man and society in leisure hours — this leisure, whether earned or forced, is immaterial. She has seen her New England landscape uprooted and her space crammed with buildings and factories leaving her youth with the world's *longest* playground — the *city street*. She has seen her school buildings and grounds *locked* at three o'clock in the afternoon for the day and her citizens *forced* to use sub-standard and inferior structures for leisure programs while these tax supported buildings and grounds remain vacant. In some instances, she has seen her public recreation programs flourish for awhile and then become stigmatized under proprietary and self-perpetuating auspices. Fortunately, not always, as in many cases good solid recreation programs have developed and continue to flourish under sound governmental edicts and structures. Of the 351 towns and cities in the Commonwealth, less than thirty percent have full year-round programs of public recreation and little more than sixty-two percent offer programs of any sort with tax funds on a seasonal basis, then mainly playgrounds.

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\* G. Ott Romney. "Philosophy of Recreation", Guest Editorial. *Recreation* March, 1953.

The towns and cities of the Commonwealth are legally authorized to produce and morally responsible to promote organized recreation programs for their citizens — teenagers to senior-citizens, kindergarten to young adults, and take full advantage of the four distinct seasons as an approach to varied programs. In many instances, programs and progress will be resisted by local people because of ignorance, misunderstanding and myopic vision but, nonetheless, those towns in the Commonwealth that will initiate or already have initiated recreation programs will take on a new complexion and will reshape the lives and personalities of ALL their citizens.

## II. Legislation for Leisure and the Law

*"Ignorantia juris neminem excusat . . ."*

The word LAW comes from the old Anglo-Saxon word meaning "that which is fixed." Man through the ages has been naturally gregarious, and as his group grew law became important in establishing a code of conduct for protective measures — both physical and moral and, oft-times, lend attentiveness to the needs and welfare of his neighbor in order to make life not only pleasant but possible for the greatest number.

The word LAW is most commonly used in its broadest and best sense as rules or codes which States or other local subdivisions of governing bodies enforce through local political entities. The law states that man must do certain things and simultaneously repeats in the negative. Laws primarily and fundamentally concern themselves with the social and business relations of people. Laws are constructed for and adjudged by the corresponding era in which man lives but all too often they neither correspond to nor provide for changing conditions.

During the Colonial era, the American people experienced law and government along the lines of its English prototype, that is, rule by aristocracy. It was believed that by establishing the republic, rule by a special class would abruptly end. However, this did not occur for limited democracy common to the early States tended to perpetuate a new "squirearchy" for the self-styled "better-people" dominated government on all levels.

With the rise of distinctly organized political parties and extension of frontier democracy to the Eastern shores in the early decades of the nineteenth century, the "spoils system"<sup>1</sup> began to undermine the government by the elite. This was a most natural happening for along the frontier there was good reason for an egalitarian democracy to prevail, as he who could use the broad-axe and the squirrel-rifle with effectiveness was indeed the equal to his neighbor so skilled. Further, in the period most governmental positions required few special abilities or training which supported the contention that the duties could be performed equally well by either of two organizers or two ordinary persons. This concept was neatly borrowed by the party leaders who felt that only through the prospect of reward in the form of "feeding at the public trough" could party stalwarts be expected to devote every energy to winning victories at the polls. Something akin to the pillaging and looting permitted to the victorious barbarians of old. In some measure this was further defended by the unreasonable adage, traceable to a misapplica-

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<sup>1</sup> In politics, the practice of regarding public offices and their emoluments as so much plunder to be taken from the defeated party and distributed to members of the victorious party — opposed to merit system and Civil Service Reform. Primarily, identified with early Massachusetts politics.

tion of an Aristotelean concept, that rotation in office was a necessary attribute to democracy. For many persons this meant ALL public offices and it quickly became the determinant of public employment in the national, state, and larger units of local government.

In larger sections of the Nation, particularly on the local and county levels, domination by a "squirearchy" was prolonged by a conscious failure to offer suitable remuneration to holders of public offices so as to render them unattractive to the rank and file citizen. Public service in this fashion became attainable only to those who could afford to serve for a pittance, niggardly fees, or nothing at all: the very contradictory of the "spoils system." Thus down through the ages legal enactments have accrued with the voice of the people.

There must be laws; otherwise, mankind would live in chaos and anarchy. Insofar as public recreation is concerned, legal entities are necessary to enable or permit local city and town governments to provide professional leadership, facilities and programs, and to finance such public needs through taxation without fear of challenge to their authority to do so.

Developments in the nineteenth century included a frontier society composed largely of American-born men, women, and children, the rise of cities along the Eastern seaboard, and conscious provision for the need for recreation and park legislation. Legislation for leisure, however, had little effect on the church-conscious and puritanical New Englander. Leisure patterns and recreation interests were in tune with the environment and often were hampered by restrictive, previously imposed, alliances.

The industrial trends and the growth of cities were a boom to commercial forms of recreation but public and volunteer agencies were not yet alert to the needs for organized recreation. Not until the latter part of the nineteenth century did the recreation movement start to take on an organized structure which involved public bodies, voluntary agencies, and laymen. The establishment of the sand-gardens in Boston by Ellen Tower and Joseph Lee<sup>2</sup> added the first real impetus to organized recreation. This initial step was largely sociological and state legislation was unnecessary inasmuch as the "service" was based on welfare and police powers with "home rule" type local charters with a liberal interpretation of existing park and school legislation.

Authorities substantially agree that the first park legislation was in the establishment of public squares, plazas, and public gardens in Colonial times. The famous Boston Garden established in 1634 was one of these. Modern park legislation originally enacted by Massachusetts in 1882 and New Hampshire in 1886 were among

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<sup>2</sup> Ellen Tower, a Lexington, Massachusetts philanthropist, devoted her efforts to the sand-garden movement. Little is recorded about her work but, along with Joseph Lee — though working independently — inaugurated the "play-ground movement." (Comment: Mrs. Theresa S. Brungardt, Vermont Director of Recreation. February 14, 1963.)



the earliest states to initiate such enactments. The need for local public action became recognized in other states, but in some, local authority would not take action without more specific legal powers. Massachusetts passed a General Enabling Act in 1893 which gave towns and cities in the Commonwealth the power to take lands for public playgrounds and added the famous "Playground Law" of 1908 which required cities of over 5,000 population to maintain one playground and an additional playground for every additional 20,000 population.

The General Laws (Chapter 45, Section 15) provide that:

Every town having a population of more than 5,000 which accepts this Section and every city and town having such population which has accepted corresponding provisions of earlier laws, shall provide and maintain at least one public playground conveniently located and of suitable size and equipment, for the recreation and physical education of the minors of such city or town, and at least one other playground for every additional 20,000 of its population.

State enabling acts are the modern type of recreation legislation that make unnecessary separate recreation laws which apply to schools, parks, or separate boards or other city departments. Such acts, established as "permissive" legislation and the current *Enabling Act of 1919*, given by the *General Court of the Commonwealth of Massachusetts in Chapter 45, Section 14* in a single law, authorized every municipality in Massachusetts the right to conduct a broad recreation program under any form of organization that the LOCAL government deemed most effective, and in effect, provided HOME RULE FOR RECREATION (General Laws, Chapter 45, Section 14):

Any city or town may acquire land and buildings within its limits by gift or purchase, or by eminent domain under chapter seventy-nine, or may lease the same, or may use suitable land or buildings already owned by it, for the purposes of a public playground or recreation center, and may conduct and promote recreation, play, sport and physical education, for which admission may be charged, on such land and in such buildings, and may construct buildings on land owned by it and may provide equipment for said purposes. Buildings so acquired, leased or constructed may be also used for town meetings, and, with the consent of, and subject to the conditions and terms prescribed by, the officer or board in control of the building, may be used by the municipality, or any department thereof, or by any person, society or other organization for such other public, recreational, social or educational purposes as the said officer or board may deem proper. For the purposes aforesaid, any city or town may appropriate money, and may employ teachers, supervisors and other officers, and may fix their compensation. Except in Boston and except as to the making of appropriations, the powers conferred by this section shall be exercised by the board of park commissioners, or by the school committee or a playground or recreation commission appointed by the mayor or elected by the voters of the town at a town meeting, or may be distributed between the board of park commissioners, the school committee and such playground or recreation commission, or any two of them, or they may be exercised

by a committee made up from any one or more members of all or any one of said boards or commissions, accordingly as the city council or the town may decide. Any municipal officer or board authorized to exercise any of the powers conferred by this section may conduct its activities on property under its control, or other public property under the control of other public officers or boards, with the consent of the owners. . . .

The enactment of the foregoing gave Massachusetts its "permissive" legislation — permissive to the extent that municipalities in the Commonwealth are morally responsible and legally authorized to provide leisure programs on a sound municipal basis in individual communities for their constituents. City charter amendments vary in the amount of detail given as to the powers and procedures of local managing authorities, and local ordinances vary with the type of recreation authority established and the administrative powers delegated. Local ordinances *must conform* to the basic authority, whether laws or charters. Experts in the field of public recreation unanimously agree that recreation programs are best vested under the managing authority as authorized by the enabling act in a Board of Recreation.

Enabling legislation in Massachusetts is for all municipalities. It is not *class legislation* that surrounds recreation in several states which is applicable to certain municipalities of a certain population range.

### III. Establishing a Board

Leisure interests of people are best served in local municipalities where the Recreation Department is placed under the administration of a board of public-minded and public-spirited citizens. The board is appointed by the mayor or selectmen (or elected in towns) and submits its budget request like other departments. The Board of Recreation has full responsibility for the expenditure of funds where appropriated and for the administration of the department, subject to regulations affecting such functions as purchasing, personnel, fiscal accounting and applying to all municipal departments. The board *should not* be self-perpetuating. Appointments *should* be controlled by town or city authorities and the board *should not* possess so called independent jurisdiction and should not have protected budgets. The board which is most common is subject to controls from city or town hall by reason of its appointing and appropriating powers.

In spite of opposition to recreation boards by certain influential groups, the number of cities have increased rapidly in recent years according to the *Recreation and Park Yearbook of 1962*. These figures do not include the departments with advisory boards which may be considered as a form of compromise but which were three times as numerous as departments without any board. The figures afford striking evidence as to the value which city governing authorities attach to boards as agencies for the administration of local recreation. Almost without exception these boards are created by action of the mayor, council, or selectmen and can likewise be abolished by them as well.

Studies conducted by the National Recreation Association<sup>1</sup> afford statistical support to the observation that, by and large, cities with recreation boards have developed more adequate programs, facilities, and service than cities without them and in times of retrenchment recreation has fared better in cities with recreation boards. One survey showed that during a ten-year period, the greatest progress in local recreation services, with respect to number of leaders, playgrounds, buildings, and centers, was made in cities where recreation was administered by a board. A second recalled that during the early depression years local recreation services, as measured by five major factors, was more fully maintained in cities with Boards of Recreation.

#### ADDITIONAL SUPPORT FOR RECREATION BOARDS<sup>2</sup>

Why should boards affect the quality of recreation service? And how can recreation authorities justify their contention that a board be established?

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<sup>1</sup> George Butler, Director of Research, National Recreation Association, 8 West 8th Street, New York 11, New York.

<sup>2</sup> George Butler. "A Case for the Recreation Board," *Recreation*. March, 1952.

It is agreed that citizen interest and participation in government are desirable but it is not enough to suggest that memberships on a recreation board afford excellent media for citizen participation. It is incumbent to demonstrate the peculiar relations of the citizen to the recreation department and the resulting need for a board. Professionals and members of the National Municipal League have asserted that recreation is no different than fire, sewer, water and other types of municipal service. However, in at least one essential respect, recreation, with the possible exception of the library, is unique among the services of city government. Participation in its programs and use of its facilities are matters of free choice, as far as the individual citizen is concerned, and are absolutely dependent upon his attitude toward them. The citizen is subject to the regulations of the police or health department, he must accept the service of the fire department in an emergency, and he uses the sewer and water and other services because he has no alternative. Not so with recreation, for unless the offerings of the recreation department appeal to him, he simply ignores them. Unless he respects the quality of the playground leaders or the playground in the neighborhood, he does not permit his children to attend. In almost all instances, unless he is convinced that he will gain satisfaction and enjoyment for joining with his neighbors in a hobby group, or chorus, or bowling league, or dance group, or some other phase of the recreation program, he fails to take advantage of the opportunity afforded by the department. He seeks other recreation offerings, be they good, bad or indifferent. Yet there is abundant testimony that it is tremendously important to both the individual and the community that he should spend his leisure in a worthwhile and constructive manner. The very basic nature of recreation indicates that it is "doing for the gratification of the doing."<sup>3</sup> Society jealously guards its mores and dictates that a society-conscious individual must pursue his leisure in a socially acceptable way.

The very nature of recreation programs is another reason for boards. Programs are not formalized or stereotyped — they differ from city to city and within the same city from year to year, season to season; and, from neighborhood to neighborhood. The recreation department must know the city and its people, be familiar with past experiments in furnishing recreation services to the locality, and develop a program based upon a knowledge of local interests, habits, desires, traditions, and needs. It must then make its programs and services known to all the people. Certainly, it is part of the job of the recreation executive to accomplish these things, but he cannot do so alone. It is especially true in smaller towns of Massachusetts.

It is well to keep in mind that in most New England communities including Massachusetts where recreation departments exist, the recreation executive is often the only full-time department em-

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<sup>3</sup> G. Ott Romney. *Off The Job Living*, A. S. Barnes Company, New York, 1946. p. 16.

ployee. In setting-up a new department, it would take him months to acquire by himself the information he could secure from a well-chosen board, and its guidance would help immeasurably in launching a sound program related to the local situation. In succeeding another executive, likewise, he needs the background and advice of citizens familiar with the community and its needs. One record contains repeated examples of recreation executives who — working independently — have ruined the program and its chance of success by starting on the “wrong foot.” In the recreation field, where relationships with community groups are many and continuous, and where the collective judgment of a carefully selected group is likely to be wiser than the decision of a single executive, diverse public interests must often be reconciled. It is unreasonable to believe that the mayor and council, city manager, and board of selectmen, pre-occupied as they are with problems related to city finance, public works, and the operation of all departments, can give the time and attention needed for the consideration and determination of sound recreation policies and procedures.

The recreation board, too, affords the machinery for effecting cooperation and coordination between the city government and the local school authority, which are usually separate political bodies. Provision of public recreation programs in most Massachusetts towns and cities involves the use of school properties. By giving the school board representation on the recreation board, unification of services is more readily achieved. In view of the rapid expansion in the planning and use of schools for community recreation, the value of the recreation board as a medium for cooperative action in planning, programming, and operating policies cannot be, nor should be, overlooked.

It is clear that the continuity in policy making and administration afforded by boards with overlapping terms for their members is of utmost importance to the recreation department. Boards also provide a check on the zeal of the recreation executive or a stimulus to his complacency.

A recreation board must conform to all the citizen's basic practices of local government in the town but it is likely to yield benefits which will compensate readily for compensating it.

Solid establishment of a board is basically and fundamentally *first*. Its very existence must be grounded in the legal code of the Commonwealth's enabling “permissive” legislation. This, in turn, provides local legislation. The purpose of the local recreation legislation is to provide *legal* authorization for the community to furnish recreation services as permitted by the Commonwealth's enabling law; to define powers, duties, functions, and responsibilities of the selected managing authority. Local legislation *must* be effected before a public recreation system supported by tax funds can be established. If the community's authority stems from a state enabling act as it does in the Commonwealth of Massachusetts, local legislation is by ordinance or by-laws.

Successful ordinances are listed here for creating a Board of Recreation or a Recreation and Park Commission. Either of the agreements are made in accordance with Section 45 of Chapter 14 of the General Laws of Massachusetts.

## **A SUGGESTED ORDINANCE CREATING A BOARD OF RECREATION<sup>4</sup>**

### **BE IT ORDAINED:**

Under the provisions of General Laws, Chapter 45, Section 14, there is hereby established in the City of ..... a Board of Recreation.

Section 1. The Board of Recreation shall consist of ..... persons serving without pay who shall be appointed by the Mayor. The members must be citizens of the United States and bona fide residents of the city.

Section 2. The term of office shall be for ..... years, or until their successors are appointed and qualified, except that the members of such Board first appointed shall be appointed for terms of 1, 2, 3, 4, 5 years, and thereafter the term of office shall expire after (5) five years. Vacancies occurring otherwise than by expiration of term shall be filled by the Mayor for the unexpired term.

(Section 2 may provide that the Superintendent of Schools and the Mayor or City Manager shall be ex-officio members.)

Section 3. Immediately after appointment the Board of Recreation shall meet and organize by electing one of its members Chairman and such other officers as may be deemed necessary. The Board shall have the power to adopt by-laws, rules and regulations to conduct and regulate recreation and the means thereof, and rules to protect the rights and property vested in the city and under the control of the Board; and shall have such other powers as may be necessary for the proper discharge of its duties.

Section 4. The Board of Recreation shall have the power to appoint a Superintendent of Recreation who is trained and properly qualified for the work, and such other personnel as may be deemed necessary. Appointment of personnel shall be made in accordance with the city rules and regulations. Compensation shall be fixed by the City Council.

Section 5. The Board of Recreation shall provide, conduct, supervise, manage, operate, equip, maintain, construct and improve playgrounds, recreation centers, athletic fields, swimming pools, stadiums and such other areas and facilities as may be approved by the City Council. It shall have the power to conduct any form of wholesome recreation or cultural activity on any properties owned or controlled by the city, and on private property, subject to consent of the owners, and the properties of the school committee, subject to the approval, rules and regulations of the school committee.

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<sup>4</sup> C. E. Brewer, "A Suggested Ordinance Creating A Recreation Board." National Recreation Association, Correspondence and Consulting Service, 8 West 8th Street, New York 11, New York. pp. 2. (mimeo) May, 1960.

Section 6. The Board of Recreation shall establish an office, and shall cause to be kept proper accounts and records of the proceedings of the Board. All accounts, records and proceedings shall be open to the public.

Section 7. The Board of Recreation shall have the power, subject to the general control of the City Council, to call upon any other city department for assistance in the performance of its duties; and it shall be the duty of such other departments to comply with any proper request of the Board. Any question as to what shall constitute a proper request shall be decided by the City Council.

Section 8. The Board of Recreation may, with the approval of the City Council, take and hold by purchase, gift, devise, bequest or otherwise real and personal property, and may solicit and receive gifts and donations or bequests to be applied, principal or income, for recreation purposes. The Board shall recommend to the City Council the institution of condemnation proceedings whenever private property should be taken in the name of the city for the purposes of the Board.

Section 9. The Board of Recreation, with the approval of the City Council, may make contracts, and shall provide, in accordance with city rules and regulations, all necessary materials and supplies for the use of the Board.

(If desirable, Section 9 may also include the provision for concessions.)

Section 10. Annually in the authorized manner the Board shall transmit the estimates of the amount of money required for the purposes of the Board for the ensuing fiscal year. When approved by the City Council the estimates shall be placed in the annual city budget and the funds shall be appropriated for the operation and extension of the recreation system.

Section 11. The Recreation Board shall submit an Annual Report to the governing body of the city and other reports from time to time as requested.

Section 12. All resolutions, ordinances, or parts thereof, in conflict with the provisions and intent of this ordinance are hereby repealed, and the ordinance shall become effective immediately or at the earliest date allowed by law.

## **A SUGGESTED ORDINANCE CREATING A RECREATION AND PARK COMMISSION<sup>5</sup>**

### **BE IT ORDAINED:**

Section 1. That under the authority the General Laws, Chapter 45, Section 14, there be, and is hereby created, in the City of ..... a Recreation and Park Commission, the members of which shall be appointed by the Mayor, subject to the consent of the City Council, and shall consist of ..... members, who must be citizens and residents of the City.

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<sup>5</sup> C. E. Brewer, "A Suggested Ordinance Creating a Recreation and Park Commission." Correspondence and Consulting Service, National Recreation Association, 8 West 8th Street, New York 11, New York. pp. 3. (mimeo) May, 1960.

Section 2. The initial members of the Recreation and Park Commission shall be appointed, respectively, for terms of 1, 2, 3, 4, and 5 years. Thereafter all such appointments, except to fill vacancies shall be for a term of five (5) years or until a successor is appointed and qualified. All appointments for the purpose of filling vacancies occurring otherwise than by expiration of term of office shall be for the unexpired term. Members of the said Commission shall serve without pay.

Section 3. Immediately after appointment the members of the said Commission shall meet and elect a chairman and such other officers as may be necessary for a period of one year.

Section 4. The Recreation and Park Commission shall hold regular meetings and shall designate the time and place thereof, and shall have the power to adopt rules and regulations for the conduct of business within its jurisdiction, and shall keep a record of all its proceedings. . . . . members shall constitute a quorum. A vacancy in the Commission shall occur when any member shall fail to be present at four consecutive regular meetings, or 25% of such meetings in any fiscal year, unless such absence shall be excused by the Commission and the reason therefor entered in the proceedings.

Section 5. The powers and duties of the Recreation and Park Commission shall be exercised and performed as herein provided, and in conformity with the Commonwealth laws.

Section 6. The Commission shall be charged with the control, development, management, operation and maintenance of a system of public parks, forestry and recreational areas and facilities, and shall be charged with the supervision and maintenance of playgrounds, play-fields, bathing beaches, swimming pools, recreation centers and other recreation and park activities, areas and facilities and shall have the power to expend for this purpose any funds appropriated by the City Council for such purpose and any funds donated or bequeathed for recreation and/or park purposes by private individuals or organizations.

The Commission, subject to city rules and regulations, shall have the power to employ a Superintendent of Recreation and Parks who is properly qualified in experience and education in recreation and/or park work, and such other personnel as the Superintendent and Commission deem proper. The salaries of personnel shall be fixed by the City Council.

Section 7. The Commission shall have the power to conduct outdoor and indoor recreation activities and facilities on the grounds and in the buildings in charge of the school committee, subject to its consent.

The Commission shall have the power to call upon any other department of the City government for assistance in performing its duties; and it shall be the duty of such other departments to comply with a proper request of the said Commission. Any questions as to what shall constitute a proper request for assistance shall be decided by the City Council.

The Commission, with the approval of the City Council, shall have the authority to conduct, at reasonable charges, such facilities for amusement, entertainment, refreshment or transportation of the public as are



suitable for park and recreation purposes, and may let privileges therefor, but such privileges shall be subject to the supervision and control of the Commission and its Superintendent.

The Commission shall be charged with the control, maintenance and development of public parks and recreational areas now in existence or that may hereafter be acquired, except narrow parkways, boulevard strips and small areas along streets, which shall be under the jurisdiction of the Department of .....

The Commission may, following approval of plans by the City Council, plant, set up, or place and protect and care for, flowers, vines, shrubs, and trees to adorn and improve public squares, grounds, boulevards, streets, avenues or spaces within the city, the cost of which, or any part thereof, shall be provided by the general taxation, . . . as may be prescribed by ordinance.

The Commission may make, with approval of the City Council, all contracts to carry out the objectives and purposes of the Commission and shall have such other powers and perform such other duties as may be necessary for the proper administration of the affairs of the Commission.

The Commission shall recommend to the City Council the institution of condemnation proceedings whenever in its judgment private property should be taken in the name of the City for the purposes of the Commission.

Section 8. The Recreation and Park Commission at the regularly designated time shall submit to the (Mayor-City Manager) an estimate of the anticipated revenues and expenditures for the ensuing fiscal year, to be approved in whole or in part by the Council, and included in the budget. Said Commission shall operate within the budget as approved and the expenses thereof shall be payable by the City Treasurer. The Commission shall file monthly reports giving a complete accounting of monies received and expended.

Section 9. The Recreation and Park Commission shall at a designated time each year, make a written report to the City Council relative to the work of the Commission and shall submit such other reports as may be requested from time to time.

Section 10. The Recreation and Park Commission shall establish an office and shall cause to be maintained accurate records of the Commission's work. They shall keep a record of the minutes of all meetings, procedures and accounts of the Commission, and such records shall be open to the public.

Section 11. The Recreation and Park Commission may solicit or receive gifts or bequests or other personal property or any donation to be used, principal or income, for the municipal and/or park purposes.

Section 12. All ordinances, resolutions, or parts thereof, in conflict with the provisions of this ordinance are hereby repealed, and this ordinance shall take effect and be enforced from and after the earliest date allowed by law.

Within the local governing Ordinance, there is need for a working Constitution and By-Laws. Listed below is an effective one which conforms to existing legislation.

## **GUIDE FOR PREPARING A CONSTITUTION AND BY-LAWS FOR A RECREATION BOARD IN MASSACHUSETTS<sup>6</sup>**

### **CONSTITUTION**

**ARTICLE I.** This association shall be called the .....  
Board of Recreation.

**ARTICLE II.** The object of this board is (1) to plan a year-round recreation program for all residents of ..... including all age groups; (2) to correlate the recreational activities provided by other local civic organizations into a unified recreation program; and (3) to assume the responsibility of the functioning of a recreation program.

### **ARTICLE III. MEMBERSHIP**

Section 1. The membership of the board shall be five, one of whom shall be the member from the ..... school committee who shall be appointed annually by that board. All members shall be residents of this city/town.

Section 2. The term of office of the original appointed members, with the exception of the school committee member shall be determined by lots as 1, 2, 3, or 4 years and shall start January 1, .....

Section 3. Each year, thereafter, in the month of December, a committee composed of one representative of the original sponsoring civic groups shall meet and appoint a new member for the term of four years to succeed the outgoing member.

Section 4. The Superintendent of Recreation is an ex-officio member.

Section 5. In the event of the resignation of any board member, or his death, inability to serve, or absence without acceptable reasons from three regular consecutive meetings, the board chairman shall fill the vacancy until the following December, at which time the civic committee mentioned in Section 3 shall appoint a member to finish any unexpired term that might remain.

Section 6. The Mayor (chairman, Board of Selectmen) is an ex-officio member.

### **ARTICLE IV. MEETINGS**

Section 1. Regular meetings shall be held the first Monday of each month during the year, unless otherwise ordered by the board.

Section 2. Special meetings shall be called by the chairman or upon the written request of at least two members.

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<sup>6</sup>Robert L. Horney, "An Evaluation of the Playground and Recreation Board Services, Rantoul, Illinois, 1959." Correspondence and Consulting Service, National Recreation Association, 8 West 8th Street, New York 11, New York. pp. 7. (mimeo) May, 1960.

Section 3. All regular meetings are to be held at the Recreation Office.

Section 4. Meetings shall convene at 7:30 P.M. unless otherwise ordered.

Section 5. The regular meeting held in January of each year shall be known as the Organization Meeting. The purpose of this meeting shall be the election and installation of officers, namely the chairman and secretary; the presentation of the annual report by the superintendent of recreation; the inventory report by the director of recreation and other business that may need to come before such meeting.

Section 6. The meeting held in November of each year shall be for the approval of the budget for the coming fiscal year as presented by the Superintendent of Recreation and for other business that may need to come before such meeting.

Section 7. Three members constitute a quorum at any regular or special meeting.

Section 8. All meetings are open to the public.

#### ARTICLE V. OFFICERS

Section 1. The officers of this board shall be a chairman and a secretary who shall be elected at the organization meeting in January, to serve for one year or until a successor shall be elected and qualified.

Section 2. These officers and the recreation director or superintendent of recreation shall constitute an executive board who shall act in emergencies. This executive board shall meet at any time and place deemed necessary by either officer.

#### ARTICLE VI. DUTIES OF OFFICERS

Section 1. The chairman shall preside at all meetings of the board; appoint all committees; represent the board at public affairs; and shall maintain the dignity and efficiency of the board in all possible ways.

Either he or the secretary shall approve all bills which have been approved by the Superintendent of Recreation and present same to the ..... board.

Section 2. The chairman shall have the authority to conduct an inspection of recreation equipment or functions at any time and to make a report to the board or directly to the director or superintendent of recreation to get action on any shortcomings.

Section 3. The secretary shall keep a record of the proceedings of the board in a book provided by the board. He shall read all official communications to the board; write correspondence as directed by the board; keep on file all important letters and replies thereto; and he is empowered to approve, in the absence of the chairman or at the direction of the chairman, all bills.

## **ARTICLE VII. ELECTIONS**

Section 1. All officers shall be elected by ballot, nominations having been made from the floor. A majority vote of those present shall constitute an election.

## **ARTICLE VIII. DUTIES OF MEMBERS**

It shall be the duty of each member of the board to take an active part in the direction of the board's program and to act in whatever capacity he may be called; to be loyal in thought and deed to the welfare of recreation and to the community which it seeks to serve.

All members shall serve without remuneration with the exception of the secretary who shall receive a salary of one hundred (\$100.00) dollars, per annum.

Any member is privileged to make at any time an inspection of recreation functions and equipment, and to bring a report before the board.

## **ARTICLE IX. COMMITTEES**

Special committees shall be appointed by order of the board as needs may arise. Such committees shall not necessarily be restricted to members of the board. The chairman of any special committee shall be a member of the board, including Program, Facilities, Areas, Finance, Pool and Beaches, Equipment and Supplies, and the like.

The Superintendent of Recreation shall be an active or ex-officio member of all committees.

## **ARTICLE X. AMENDMENTS**

Section 1. This constitution may be amended at any regular or special meeting by a majority vote of those present and voting, provided notice of the proposed amendment has been given in writing to all board members at least seven (7) days prior to said meeting.

Section 2. The By-Laws, adopted to supplement this constitution, may be amended at any regular or special meeting of the board by a majority vote of the members present and voting, provided the proposed amendment has been given in writing to all board members at least seven (7) days prior to the said meeting.

## **BY-LAWS**

### **ARTICLE I. OPERATING FUNDS**

Section 1. The board shall have the authority to accept gifts and donations. All monies so donated shall be entrusted to the city or town treasurer to be placed in the recreation fund.

### **ARTICLE II. FISCAL YEAR**

The fiscal year of the board shall extend from ..... to ....., so as to be kept in relation to the fiscal year of the city/town.

### ARTICLE III. BUDGET

The annual budget for the coming fiscal year must be approved by the board at the November meeting.

On approval, copies of the budget must be submitted to the mayor or selectmen for submission to City Council or town meeting.

### ARTICLE IV. EXPENDITURES

Section 1. The Superintendent of Recreation shall have the authority to contract for supplies, equipment, and the like up to one hundred dollars (\$100.00) per month without approval of the board. However, he shall be held accountable to the board for such actions and purchases.

Section 2. All pending expenditures over one hundred dollars (\$100.00) for the recreation board must be approved by the board before contracting for same, with the exception of periodic payment to supervisory personnel.

Section 3. All services performed or equipment purchased not previously authorized by the director of recreation or superintendent of recreation and the chairman and secretary of the board will not be approved for payment by the recreation board.

### ARTICLE V.

The recreation funds can only be expended for lawful purposes.

### ARTICLE VI. DUTIES AND RESPONSIBILITIES OF THE

#### SUPERINTENDENT OF RECREATION

##### Section 1. Duties.

- a. It shall be the duty of the superintendent of recreation to make recommendations for the position of full-time assistants or assistant.
- b. Prepare tentative budget for each fiscal year to be presented to the board at the November meeting.
- c. Keep account periodically of expenditures by activities to be available to the board on request.
- d. To arrange such temporary help as the approved program requires.
- e. To make recommendations as to the purchase or construction of new or additional recreation equipment.
- f. To recommend new activities that should be sponsored.
- g. To recommend and to strive always to improve the recreation program.
- h. To present an annual report at the meeting in January.
- i. To present an annual inventory of equipment.
- j. To attend all meetings of the board as an ex-officio member.
- k. To attend board meetings and to be prepared to give a verbal or written report on activities of the recreation department.
- l. To fix his signature of approval on all bills prior to presenting to the board.
- m. To conduct himself at all times in a manner befitting the position of superintendent of recreation.

## Section 2. Responsibilities.

- a. To assume responsibility for the direction of all recreation activities set forth by the board.
- b. To see that recreational equipment is kept in the best of repair.
- c. To see that all movable equipment is placed properly in storage.
- d. To assume responsibility for the safety of all equipment.
- e. To assume responsibility for the work, conduct and efficiency of all subordinate staff members.
- f. To make needed purchases of equipment of not more than \$100.00 in value per month without authorization of the board.
- g. To see that at all times in all ways the board receives full value for services requested or equipment purchased.

## ARTICLE VII. DUTIES AND RESPONSIBILITIES OF BOARD MEMBERS

### Section 1.

1. To know why the department of recreation exists and review these reasons.
2. To keep ahead of the community, to be progressive yet close enough to be practical.
3. To work with the professional staff as partners. Expect the Superintendent to recommend the plans of operation, financing, supervision and control.
4. Participate actively in meetings of the board.
5. Make it a point to discuss the work of the department with citizens and community groups. Get reaction from the public.
6. Be acquainted with the tax resources of the community.
7. Be acquainted with the social resources of the community.
8. Set aside time to visit with the professional director, or with other members of the board, and observe some of the activities conducted by the department.
9. Work with the professional director in the preparation of the department budget.
10. Be familiar with the recommended standards for a public recreation program, leadership and facilities.
11. Determine the operating policies of the department.
12. In accepting the appointment to the recreation board, the only defensible motive that a citizen may have is that of service to the community. Board members should have no entangling alliances with politics.
13. Members shall familiarize themselves with *Robert's Rules of Order* and parliamentary law. Meetings shall be conducted and policies enacted within this framework.

## IV. Neighborhood Planning and the Recreation Board

Of special concern to the Board of Recreation and the Superintendent of Recreation are various geographical locations and neighborhoods within the city with various social and economical structures. Effective planning can be achieved and maintained with striking results by initiating *Neighborhood Councils* or *Committees* as small, self-contained advisory groups to the Board and Superintendent. These Councils or Committees can serve effectively for neighborhood playground, school, or center needs, services, and interests as well as recruiting volunteer personnel.

The below constitution for neighborhood councils or area committees can serve as a format in initiating such advisory groups.

### SUGGESTED CONSTITUTION FOR NEIGHBORHOOD COUNCILS OR AREA COMMITTEES<sup>7</sup>

#### ARTICLE I. NAME

The name of this organization shall be .....  
Council for the city of .....

#### ARTICLE II. PURPOSE

The purpose of the organization shall be the promotion of recreational, cultural and civic activities to serve all ages and both sexes and the development of interest and participation in character building programs, and community betterment movements among the citizens of ..... neighborhood without regard to race, creed, or color. It shall aim to serve and merit the cooperation and support of recreation, welfare, educational and other municipal and civic agencies in developing its work. Its character shall be non-partisan, non-sectarian and it shall not be operated for financial profit.

#### ARTICLE III. MEMBERSHIP

This council is authorized to function as an advisory group to the Board of Recreation under Chapter 45 and Section 14 of the General Laws of the Commonwealth of Massachusetts and a Resolution passed by the ..... Board of Recreation on ....., 19....

The membership of this council shall be composed of individuals interested in the purpose of this council and contribution to its support.

Any person so interested shall hold a membership by application to and approval of the Executive Committee, as outlined in Article VI.

#### ARTICLE IV. OFFICERS

The officers of this Council shall be President, Vice President, Secretary and Treasurer.

The duties of these officers, where not otherwise outlined in this constitution, shall be governed by *Robert's Rules of Order*.

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<sup>7</sup> Dana E. Harlow. *An Analytical Survey of Existing Recreation Facilities and Activities and a Proposed Recreation Program on A Year-Round, Long-Range Basis for Military Dependents*. University of Illinois, Champaign. (M. S. Thesis) 1955.

## ARTICLE V. ELECTIONS

After the initial organization is completed, the regular elections of officers shall be by ballot at the annual meeting. The President may be eligible for election to that office for not more than two consecutive years.

## ARTICLE VI. MEETINGS

Meetings of this Council shall be held every six weeks during the summer and quarterly during the winter. One shall be the annual meeting and election of officers. Other meetings may be called by the President of the Council, or at the written request of ten members for specific purposes.

## ARTICLE VII. STANDING COMMITTEES

The standing committees of this Council shall be:

1. Facilities,
2. Program,
3. Membership,
4. Publicity, and
5. Legislation.

The chairman of each committee shall be appointed by the President, with the approval of the other duly elected officers, to hold office for one year. These chairmen as appointed and approved become ex-officio members of the Executive Committee.

## ARTICLE VIII. EXECUTIVE COMMITTEE

The Executive Committee of this Council, to be elected annually, shall consist of the duly elected officers, three members elected at large from the members and the chairman of each standing committee. The Committee shall meet monthly and upon special call of the Chairman.

## ARTICLE IX. AMENDMENTS

The Constitution, except Article II, setting forth the Purpose, may be amended by a two-thirds vote at any regular meeting of the Council after thirty days' notice to members of such proposed amendments. The proposed amendments shall be filed with the secretary at least sixty days before the annual meeting.

# BY-LAWS

### Section 1. DUES

Any individual contributing not less than one (1) dollar to the support of the council shall be a member for one year with a right to vote.

### Section 2. QUORUMS

A majority of the members of the Executive Committee shall constitute a quorum of that committee. Those present at any regular meeting of the Council shall constitute a quorum.

### Section 3. VACANCIES

In case of transfer of personnel, resignations, or inability to serve without acceptable reason for four consecutive meetings of any member of the Executive Committee, it shall be the duty of the Executive Committee to fill the vacancy until the next annual meeting.



#### Section 4.      FUNCTIONS OF THE COUNCIL

The Council is purely advisory and has no jurisdiction over any agency.

The Council can perform the following:

1. Sponsor surveys of recreation facilities, programs, and services, and needs within the neighborhood and present their findings and conclusions to the Board of Recreation.
2. Interpret public recreation to the people of the neighborhood and interpret the existing program to the families of the area.
3. Disseminate information concerning the value of adequate recreation programs, utilize facilities of newspapers, radio, speakers' bureaus for clubs and special meetings, and conduct forums on recreational needs.
4. Rally public support for recreation pay-as-you-go issues, bond issues, capital improvements, tax structures, and financial needs of the neighborhood and city.
5. Stimulate organization of other neighborhood recreation councils and playground councils.
6. Encourage private gifts of funds for recreation facilities on the neighborhood plane.
7. Work for coordination of efforts of all agencies, whose objectives afford recreation opportunities, in providing coverage and more efficient recreation services for the city.
8. Stimulate leadership training institutes. Develop volunteers for recreation work.
9. Cooperate with the Board of Recreation and the Superintendent of Recreation in planning and conducting special events. These events could be formal opening and closing of playgrounds, patriotic celebrations, holiday observances, pageants, musicals, tournaments, and other activities deemed worthwhile.
10. Provide a channel for assorting new ideas, crystallizing public sentiment and channeling recommendations to the proper authorities.

## V. Specific Functions of the Recreation Board

Duties of the Recreation Board were indicated in the preceding pages; however, more specifically, board members might well consider specific functions in their combined membership roles.

Recreation Boards should act as legislative and not as executive bodies and a clear distinction should be drawn between what are *legislative* and what are *executive* functions. The legislative functions belong, by right, to the board and the legislation should be enacted, after general discussion, by means of a formal and recorded vote. The board's work, as representative of the people, is to sit in judgment on proposals and determine the general *policies* of the recreation department.

Once a policy has been decided upon, however, the execution rests *solely* with the executive officer employed by the board, the chief of whom will naturally be the Superintendent of Recreation. If the board desires information on any subject, it should direct its executive officer to furnish it. On the recommendation submitted, the board should sit in judgment, and, until convinced of the wisdom of the recommendation, the board should hold the recommendation in abeyance. In all matters which are strictly professional and which relate to the details of administration, the board should refuse to act in any way until the matter has been brought before the proper executive officer. His decision should not be reversed unless the board is thoroughly convinced that he is wrong. Deliberate thought should be taken. Even then, in many cases, the board will be wise to not act hastily. The wisdom of such a separation of functions in the administration of the Recreation Department has been shown repeatedly in the well developed and well organized departments throughout the country. It is when boards and board committees, anxious to direct and manage as well as to govern, seize *executive* function and begin to displace the *chosen* (and paid) executive officer in the administration of the recreation system, that trouble and misadministration usually begin to develop.

There are certain other recognized functions of the governing board that are fundamental.<sup>1</sup> Among them are the following:

- (1) Interpret the community recreation program to the public officials and to the general citizens in terms of adequate moral and financial support.
- (2) Maintain high standards in recreation leadership and in the quality of program service.
- (3) Select the recreation superintendent and define the scope of his powers and duties.

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<sup>1</sup> Robert L. Horney, "An Evaluation of the Playground and Recreation Board Services, Rantoul, Illinois." Correspondence and Consulting Service, National Recreation Association. (mimeo) May, 1960, 3 pp.

(4) Appoint, upon recommendation of the Superintendent of Recreation, all the employees and determine their functions and duties. A number of authorities advise the appointment by the board of all employees while others indicate that this duty belongs by right to the superintendent in as much as he is responsible to the board for the carrying out of certain functions and objectives. Many believe that the executive should have the power to select his own assistants and to define their duties and functions in a way that will best accomplish their objectives.

(5) Determine and establish the general conditions and policies to be followed in carrying out the purpose for which the department was established. As a matter of practical experience, the executive, being trained and experienced, may be the official who actually develops the plans and policies adopted by the board.

A far-seeing board will *refrain from* assuming the functions of the Superintendent of Recreation in executive details. It must *refrain* from dealing with the subordinate employees directly in an executive manner. Additionally, the board *should not* urge the recreation executive to employ recreation personnel regardless of their qualifications, or force him to discharge competent employees for purely political reasons.

(6) Consider and pass judgment on the recommendations coming from any source outside the department, especially if such suggestions involve matters of general policy.

(7) Prepare the budget and secure the required funds.

(8) Authorize expenditures within the budget granted and carefully examine the expenditures.

(9) Hold strict accounting of the use of all funds to the people of the community through the proper fiscal authorities.

(10) Present a full report to the public of all activities of the department during the year.

The Recreation Board must continually strive for progress. The citizens vest their interests, vote, and belief in the Board Members. It is their combined responsibility to lend the greatest amount of service.

## RECREATION BOARD MEETINGS<sup>2</sup>

"The weakest link in many recreation systems is the slipshod way in which board meetings are planned and conducted. Recrea-

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<sup>2</sup> Russell J. Foval, "Informal Observations on Recreation Board Meetings." Superintendent of Public Recreation, Decatur, Illinois. *Recreation*, December, 1953. p. 435.

tion Board meetings can be an inadequate experience for everyone concerned if time and effort are not put into them. They can also be pleasant and worthwhile if the board and the superintendent work in making them so. Good meetings of any kind do not 'just happen.' Someone has to spend many hours in planning details and gathering materials that are necessary. It is the joint responsibility of the board and the superintendent in any recreation system to see that meetings are conducted properly.

"A good board meeting should be purposeful, businesslike, informative, challenging, friendly — and short. The board should have decisions to make (usually on the recommendations of the superintendent) — a solid reason for being present. There should be subjects presented that will offer a challenge. Information should be available concerning all phases of the program or topics to be discussed.

"The meeting should be businesslike but not so much so that all the fun is taken out of it. Following a set pattern too closely can be as colorless as having no pattern at all to pursue. A friendly and harmonious atmosphere should prevail. A wise and efficient chairman will keep the discussion on the subject and still permit all members to express themselves freely. A feeling of good will is necessary and a short deviation from the subject under discussion is not harmful. Many times it is the best thing that can happen.

"Having short meetings does not mean that much cannot be accomplished. Some meetings will be longer than others but at no time should they be allowed to drag on and on. We all dislike meetings that last too long. After an hour we are usually ready to call a time out. It is sometimes better to leave business unfinished than to prolong the meeting beyond the point where interest diminishes. The chairman is in a position to keep the meeting moving ahead, yet get a great deal done and give everyone a feeling of having accomplished something.

"It has been stated often by superintendents that their boards meet only a few times a year or when something real important is to be considered. In such cases the program is either not very good or it is a 'one man show.' When boards do not have enough business to hold regular meetings, it indicates that someone is not on the job. Either the board members are not interested or they rely totally on the superintendent and staff to inaugurate and draft departmental policies. This is not good for the recreation board, the staff, or the program. Superintendents of recreation need all the help they can get and the board is the first group to which they should turn for assistance. The board should be interested enough to have regular meeting dates at least once a month. Too much can happen in one month for an executive, no matter how well qualified, to establish policies and to run the program alone without the full support, cooperation and help of the board. A certain day of the month should be designated for meetings. This date should be

adhered to at all times. Dates should not be changed for the convenience of one or two members. If a quorum can be present, the meeting should be held.

“The time of day that meetings are held is most important. All members must be considered when making this decision. Noon meetings meet the approval of some but the length of time available is apt to be too short. Most people try to get back to their jobs by one-thirty. By the time food is ordered and eaten, much of the noon period is gone. Business is conducted under haphazard conditions with interruptions of ordering, being served and eating. Not enough attention is focused on the real purpose of the meeting. The entire affair is likely to be too rushed to accomplish much. Afternoon meetings, early or late, are usually not too satisfactory. People cannot get away from their jobs to meet in the early afternoon and if they meet around four o'clock, they find themselves tired from a day's work and wanting to get home to dinner.

“The evening meeting seems to be the most satisfactory time for a number of reasons. It allows everyone time to go home after work, get cleaned up, and possibly relax a little. By meeting in the early evening, the business can be finished in time to allow the members to go to other functions. It affords an opportunity for the members who can do so, to stay after the meeting is over and visit with the superintendent and other board members. The evening meeting does not have the hurried atmosphere of a day meeting and usually a better job can be done.

“The place of board meetings can add to or detract immeasurably from the sessions. A meeting in a public dining room or anywhere it is necessary to eat, is apt to be a failure. The interruptions that usually occur make it difficult to have an orderly and worthwhile meeting. Meetings held in private clubs can be unsatisfactory because of the surroundings and because some members might feel out of place. If possible the meetings should be held in the recreation office. Records are available if needed, arrangements can be made in advance and interruptions can be held to a minimum. The meeting place, wherever it is, should be as quiet and pleasant as possible. The selection of the date, time and place of the meeting should meet with the approval of at least the majority of the members.

“The recreation board meeting should be planned well in advance. The agenda for the coming month should be started immediately after each meeting. Sometimes it is best to plan several months ahead. A 'live file' should be maintained and as ideas or possible topics for board discussion come up, they should be filed. Materials for the board meeting such as reports of activities and correspondence also should be put in the file.

"About a week before the meeting is scheduled, a tentative agenda should be prepared and discussed with the board chairman. The chairman needs to be familiar with all items on the agenda. If he becomes familiar with the problems before the meeting, he will be able to conduct a much better session and will be in a position to assist the superintendent in clarifying many points. The chairman appreciates the pre-meeting discussion as it enables him to do a better job as presiding officer.

"The agenda should include calling to order, approval of minutes, approval of bills, approval of financial reports, report of the executive, report of committees, communications and old and new business. The pattern need not be followed to the letter. In fact it is good policy to vary it from time to time. Material for each board member and the executive should include copies of reports and recommendations. Vouchers for the bills, accident reports and communications should be at hand. Any material that will give the board more information regarding the department should be made available.

"Written notices of board meetings should be sent to each member about one week before the meeting. A copy of the minutes of the preceding meeting should be included with the notice. The member can read the minutes and be prepared to act when he comes to the meeting. This practice can save considerable time at the meetings. It is well to communicate with the members three or four days early if there is any doubt that a quorum will be present. This often helps get other members to attend who might otherwise have been 'on the fence.' Most members have many other responsibilities in the community and it is sometimes hard for them to decide which meeting they should attend. If your call indicates that they might be needed at the recreation meeting to make a quorum, they will probably be at *your* meeting. The last call and final check is the day of the meeting. One might ask 'why call them a second time?' Things can happen at the last minute that will change their plans. Sickness or business problems could arise in a short time. It is better to call the second time than to run the risk of not having a quorum. It seems best many times to call board members after they reach their offices. If there are people on the board who cannot be reached by phone at their offices, they should be called at home. The executive gradually gets to know the best time and place to call each member. By calling early in the morning there is time to change plans if for some unexpected reason a quorum cannot be present. If at the last minute the chairman cannot attend, the executive will want to communicate with the vice-chairman and review the agenda with him.

"The meeting itself needs planning and attention. The superintendent should be present at least fifteen minutes early. He should be sure that there is a large table, adequate chairs, ash trays, pencils, writing pads, and such available. Conversation pieces such as new pictures of program activities, magazine articles, or craft

items can be handy for the board members who arrive a few minutes early. The agenda material for each member should have his name on it. It is a good idea to place this material at the same position on the table at each meeting. This encourages the member to sit at the same place and know that his material will be there. He can thus look over his material as soon as he arrives. Quite often this saves considerable time.

"If a quorum is present, the presiding officer should start the meeting on time. Members should become used to meeting at the scheduled hour, conducting the business at hand and adjourning promptly. The chairman of the board should conduct the meeting. Sometimes the board depends upon the superintendent to take the lead. This should be avoided as much as possible. The superintendent should let the board members do most of the talking. If the superintendent has done his work well before the meeting, it will not be necessary for him to monopolize the discussions.

"The results of all this planning are most worthwhile. The little things and the details can make a meeting a success or failure. A well planned meeting will be purposeful, businesslike, informative, challenging, friendly and usually brief. The board members will discuss more than finances. They will feel that they are making a real contribution. They will look upon the monthly meeting as a pleasant and satisfying experience. They will know that they are an important part of the work. They will be proud of the part they play.

"Examine the inadequate recreation programs throughout the country and many times it will be found that the board meetings are poorly and inadequately planned, conducted and evaluated."

## **EMPLOYING THE CHIEF EXECUTIVE**

The selection and employment of the Superintendent of Recreation in accordance with nationally recommended standards is fundamental. Choosing the right person to direct and develop a comprehensive program of leisure activities is the *first* and *most* important responsibility of the Board. The Recreation Personnel Services of the National Recreation Association has indicated in the following how to attract good candidates for the recreation positions.

### **TELL PROSPECTIVE CANDIDATES A VACANCY EXISTS<sup>3</sup>**

Make the vacancy known to people who can fill the job. Sometimes the best qualified individual is a local resident. More often he is not. The best qualified candidate should be appointed regardless of his place of residence.

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<sup>3</sup> Willard C. Sutherland, "How to Attract Good Candidates for Recreation Positions." Recreation Personnel Service, National Recreation Association, 8 West 8th Street, New York 11, New York. pp. 2 (mimeo).

## CONVERT GOOD PROSPECTS INTO ACTIVE CANDIDATES

Interest must be aroused. Often the best prospects are the most difficult to attract. Given an accurate statement of the situation, desirable prospects can decide whether to apply. The job seeks the man.

Information about the vacancy should be sent to the National Recreation Association and other sources of personnel, including colleges with a major in Recreation. (Here in the Commonwealth of Massachusetts, the following colleges and universities have recreation curriculums and offer a Bachelor of Science or Master of Science Degree in Recreation: University of Massachusetts, Amherst, Boston University, Boston, and Springfield College, Springfield.)<sup>4</sup>

## GIVE FULL INFORMATION TO ATTRACT CANDIDATES

The check-list below includes the information which candidates seek and need. It is based upon successful recruiting experience. It is a check-list of facts potential candidates need and may serve as a guide for preparing your announcement of the vacancy.

### (1) About the position:

- ..... Title of position and date appointment can be made
- ..... Age range for applicants (if one exists)
- ..... Educational requirements desired
- ..... Experience preferred
- ..... Special qualifications in detail — personal, as well as those imposed by the local situation
- ..... Duties involved in the position — major work responsibilities
- ..... Salary range and entrance pay
- ..... Allowances for automobile use, city car, and other expense items
- ..... Allowances and information on retirement insurance plans, vacation, and sick leave
- ..... Application and selection procedures, method and place of application, closing date and method of selection to be used

### (2) About the Recreation Agency:

- ..... Name, description of powers, and functions of the managing authority including charter or ordinance establishing it, membership and function of policy-making or advisory board
- ..... Cooperating agencies in community and description of relationships
- ..... Advisory groups and special organizations interested in recreation
- ..... Relationship of the recreation agency to other public departments
- ..... Budget: Total, capital, maintenance, supply, leadership, sources of funds for which executive will be responsible
- ..... Facilities now used or available — "Owned" or rented, indoor and outdoor, for which executive will be responsible
- ..... Personnel: Full-time, year-round, seasonal, part-time, leadership, supervisory, other

<sup>4</sup> Author's comment.



- ..... Program now being conducted
- ..... Plans for future — definite and tentative
- ..... Unsolved problems to be met — long-range plan

**(3) About the Community:**

- ..... Geographical location, size in square miles, climate, outstanding physical features
- ..... Types of industry, business, cultural activities, schools, colleges
- ..... Population and composition of the community
- ..... Economic status of the community, the government, the people
- ..... Overall governmental description
- ..... Housing and living conditions and costs

Making information available will attract good candidates, screen out unqualified and uninterested individuals, help clarify the recruiting policy of the employing agency for both candidate and the public, reduce correspondence and requirements, and make better and earlier appointments possible.

## **SALARIES AND COMPENSATION**

The importance of the recreator in contemporary society is becoming increasingly recognized in almost all states and communities of the nation, both those which are highly industrialized and those which are in the process of economic development. The reasons for this were discussed earlier and are evident. Here it may merely be said that this growing recognition of the recreation profession is closely connected with and is a reflection of the changing role of leisure in society.

The expansion of pre-school programs, the introduction or extension of programs for the retired, the utilization of public facilities of various city agencies and the prolongation of recreation education are some of the main characteristics which ensure fuller and more comprehensive programs for the largest number of citizens. Good programs *are not* developed by accident! They are initiated and developed and maintained through skilled, competent leadership. At the same time, today's rapid technological progress represents a new community force with far-reaching implications in the social and economic fields. Recruiting trained personnel is but one factor. Another, is that in the more economically advanced professions there is still an urgency for the need for additional trained personnel. Recreation demands the same calibre of individuals as recognized by other technological, scientific, and sociological areas. These professions have been thrown into greater prominence by higher salaries. Obviously, other professions, with higher pay, give more incentive to young college students to train or acquire skills in other than recreation areas. Regardless of the salary question as it concerns various professional alignments, there is a base of thinking that should be consumed by municipal authorities for compensation schedules.

Generally speaking, it would appear that the principle which should then be affirmed by the Board of Recreation is that all qualified recreators should be entitled to remuneration such as to enable them and their families to live in a manner commensurate with their responsibilities, the degrees and qualifications required of them, and the social and cultural significance of their duties.

Having considered the conditions of employment of the professional recreation staff, the Board of Recreation through an appointed Advisory Committee should unanimously adopt a resolution *to study periodically, by means of appropriate inquiry, the social and economic aspects of problems affecting recreation, and, in particular, the principles underlying the determination of salaries for recreation department personnel in the town or city.*

It is more and more agreed that recreators' pay is one of the essential problems in public recreation today. Indeed, the fact that the dearth of good qualified recreators has become a nation-wide phenomenon is no doubt in part due to the very important salary question. Indeed, it may well be considered that in many cases the *real* earnings of recreators are below the acumen of the community level, unlike those of the majority of wage-earners or among other professional sections of the economically active population.

While the Recreation Board is the policy-making entity, it is imperative that through the policies it constructs, it fill the administrative, supervisory, and leadership positions with the most highly skilled and qualified persons available in order that the efficiency of the local Recreation Department, and the public program it emits, be commensurate with its expenditures.

## VI. Recreation Board Relationships Individual Board Member

As a volunteer in community service, the member of the recreation board occupies a position of public trust offering unlimited opportunities for service. No other type of public service needs leadership of higher quality than does public recreation, and members of recreation boards should be among the ablest and most devoted men and women of the community. Upon them and upon their vision and judgment depends the quality of service offered the public.

The board member as a volunteer should realize that within the department he governs, there will be at times subordinate volunteers who are assisting with many of the program facets. Oftimes the success or failure of a program is geared to the attitude of the paid employee toward the volunteer and the attitude of the volunteer toward his co-worker. Regardless which rung of the ladder the volunteer stands on — board member to program specialist — the relationship as expressed in the "Bill of Rights for Volunteers" remains synonymously the same.

### BILL OF RIGHTS FOR VOLUNTEERS<sup>5</sup>

1. The right to be treated as a co-worker — not just as free help, not as a prima donna.
2. The right to a suitable assignment, with consideration for personal preference, temperament, life experience, education and employment background.
3. The right to know as much about the organization as possible — its policies, its people, its program.
4. The right to training for the job — thoughtfully planned and effectively presented training.
5. The right to continuing education on the job as a follow-up to initial training, information about new developments, training for greater responsibility.
6. The right to sound guidance and direction by someone who is experienced, well-informed, patient, and thoughtful, and who has the time to invest in giving guidance.
7. The right to a place to work, an orderly, designated place, conducive to work and worthy of the job to be done.
8. The right to promotion and variety of experiences, through advancement to assignments of more responsibility, through transfer from one activity to another, through special assignments.
9. The right to be heard, to have a part in planning, to feel free to make suggestions, to have respect shown for an honest opinion.
10. The right to recognition in the form of promotion and awards, through day-to-day expressions of appreciation, and by being treated as a bona-fide co-worker.

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<sup>5</sup> Mrs. Richard L. Sloss, "Bill of Rights for Volunteers." Director, Office of Volunteers, Western Area, American Red Cross, San Francisco, Calif. 1 page. (ditto) 1960.

## RELATION TO THE SUPERINTENDENT OF RECREATION

There are a number of general principles relative to the relationship of board members and the executive which are generally understood to be necessary in the establishment of successful working relationships.

The Board should:

(1) Require the superintendent to submit a written monthly report.

(2) Adopt a policy that individual board members shall not give instructions to the superintendent, except as related to special committee assignments.

(3) Request the superintendent to submit recommendations on all problems to be considered by the board that relate to programs, facilities, and other matters on which background advice should and would be useful in reaching a decision.

(4) Adopt a policy or approve a course of action that gives the superintendent full authority and responsibility for administering the policy or seeing that action is taken.

(5) Encourage the superintendent to initiate suggestions and bring the attention of the board to matters requiring policy decisions, which increase the effectiveness of the department.

(6) Hold the superintendent and other staff workers responsible for the positions they hold.

(7) Hold the superintendent ultimately responsible for the success or failure of the program, within the limitations in which he must work.

(8) Encourage the superintendent and other staff members to *attend* state and national workshops and meetings of recreators, to take an active part in professional organizations, and to attend institutes and training courses in which to advance the profession.

(9) And, finally, it should allow the superintendent of recreation to perform the job which he is employed to do.<sup>6</sup>

## RELATION TO STAFF PERSONNEL

In relation to the Recreation Department staff, the Recreation Board should feel incumbent to consider the following:

(1) Assures for the employees of its department the same considerations with respect to working hours, sick leave, vacations, holidays, accident compensation, job security, and retirement benefits as apply to comparable workers in other city departments.

(2) Adopts an official personnel policy that insures the employment of competent leaders, a sound division of duties and responsibilities, a fair salary schedule and satisfactory working conditions. Salary arrangements discussed elsewhere in this Handbook.

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<sup>6</sup> National Recreation Association, "Check List for Recreation and Park Boards," pp. 6 (printed) March, 1959.

(3) Both the Chairman of the Board and its members deal officially with the recreation staff *only* through the superintendent.

(4) Arranges for appeals from staff members to be submitted to the board, and heard in closed session, if desired.

(5) Through the superintendent invites members of the supervisory staff to meet with the board when problems relating to their part in the program are under consideration.<sup>7</sup>

## RELATION TO OTHER AGENCIES

In any city or town there is the factor of duplication of services and so long as the services are there and the need is met, little concern should be given the sponsoring division or agency. It is unwise for a town to sponsor a SPECIAL public program if the program is being handled successfully by another semi-public, public, or private organization and the need is met. It is well for cities and towns to consider unmet needs rather than "parrot" or "copy" other services in existence within the town if the services already in existence are sufficient. Often, though, the demand may be greater than the private organizations can give effectively. If so, here both organizations — the private and the public recreation department — can cooperate effectively. The public recreation program should not attempt to compete with a previously developed, effective, and well organized private or commercial recreation program. COOPERATION is the key word. Recreation does not belong solely to a specific organization, but to the people. Cooperation and full utilization of ALL resources within the community should be fundamental.

## RELATION TO WORK IN THE DEPARTMENT

The board should make periodic inspections of recreation areas and facilities to make sure that they are operated and maintained in a satisfactory and safe manner. To familiarize itself with the total program, the board should make periodic observations of various program areas. It is well for all the board members to become familiar with the characteristics of a well-balanced program for recreation and to give the superintendent suggestions for planning additional programs. Suggestions, however, are never dictates! The board should arrange for city-wide analysis of existing recreation areas and facilities and adopt a long-range program for the acquisition and improvement of recreation areas. It should review this program at least every two years. Finally, it would be well for the board to make a comprehensive appraisal of the Department at least every five years utilizing acceptable nation-wide standards for program, personnel, areas, facilities, and finance.<sup>8</sup>

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<sup>7</sup> "Check List for Recreation and Park Boards." *Ibid.*

<sup>8</sup> "Check List for Recreation and Park Boards." *Ibid.*

## RELATION TO EXISTING RECREATION PROGRAM IN THE COMMUNITY

Traditions merit respect! In the organization of a public recreation department, first things by necessity must come first. Existing within the community are indeed many fine programs of outstanding quality that have existed under various auspices for many years. Rather than make a decided break from the traditional approach to their sponsorship, it is best to consider what other communities have done in their initial throes of public recreation organization. It is best though to get those programs which are supported by a tax-base under one auspice as soon as possible. The following may serve as a guide both to the Board of Recreation and the superintendent to getting a program started.

### GETTING STARTED IN A COMMUNITY<sup>9</sup>

The applicability of the below set of suggestions will vary with the type of job and community. Study the suggestions carefully and adapt as many as possible to the situation. The sequence may vary. The process will take time, but will pay dividends in the long-range success of the total recreation program.

1. Continue the existing program, if any, until you have had time to get established and are ready to make changes.
2. Study the community; its composition, history, prejudices, resources (geographic, physical, and human), and the like. What is the existing program? What has been done? How well has it fared? What does the community need for recreation? What can it afford? What is it likely to spend?
3. Be sure that you understand the legal aspects of recreation for your state and community. What can you do? What can you not do? In what situations would you be likely to encounter liability? Is any form of insurance in order?
4. Be sure that you understand clearly the manner in which funds are to be handled. Also, at the start, find out from the appropriate source (auditor, town treasurer, and the like) exactly how the financial records are to be kept and how the financial report is to be organized.
5. Be sure you understand the policies and objectives of the recreation board. Do some need clarification? Are they matters of record or just "ways of doing things?" Are there policies which you think should be changed? Are there items for which you feel there should be policies, but none now exist? If so, discuss these with the board. These things may take time, but are worth the effort. Be prepared to substantiate your recommendations with factual or other material. Remember that the board members probably know the community better than you do.

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<sup>9</sup> William E. Randall (compilation of nationally known and accepted principles which surround the inauguration of public recreation systems). Department of Recreation, University of Massachusetts, pp. 2. (mimeo).

6. Conduct a survey of community desires. (A questionnaire that may be adopted is listed in the Appendix.) What do people want? Mimeograph and distribute, as widely as possible, the publicity for a survey of interests.
7. Tabulate the results of the survey, assign priorities to the various activities, and develop a tentative program. Take into account the seasons, the programs of other agencies, the possibilities of cooperation, cost, existing facilities and equipment, and the availability of leaders.
8. Explore avenues for cooperation with:
  - a. Municipal departments (park, school, highway, police, library),
  - b. Voluntary agencies and Council of Social Agencies,
  - c. Churches (Council of Churches),
  - d. Private schools and colleges,
  - e. Museums and the like,
  - f. Local service clubs (Rotary, Kiwanis),
  - g. Private recreation enterprises (movie, bowling alley, riding stable, ski areas, swimming pools and the like),
  - h. Local interest groups (garden clubs, ladies' sewing circles, Parent-Teacher associations),
  - i. State and National Organizations (National Recreation Association, American Recreation Society, Massachusetts Recreation Society, American Red Cross, National Rifle Association, American Camping Association, and the like),
  - j. Commercial non-recreation interests (individual merchants, music stores, sporting goods, and the like), and
  - k. Publicity media (local radio, television, newspaper).
9. Locate, evaluate, and enlist the leaders (volunteer and profession) that you need. Attempt to get an evaluation of each prospective leader before you try to enlist his services. It is usually better to forego offering an activity than to have it fail for lack of good leadership. Locate volunteers by consulting such sources as: clergy, editors, board members, policemen, school superintendents, volunteer reference bureau, librarian, town clerk, "elder statesmen" of the community, merchants, and the classified section of the telephone directory.
10. Prepare a "Standard Practices Manual" for the guidance of your leaders. This should serve as a reference covering departmental policies: public relations, safety and procedure in case of accident, absence notification, financial transactions, liability, code of personal conduct, along with copies of report forms, if any. Put a copy of this manual into the hands of the leaders as you enlist them.
11. Assemble the leaders and discuss the material in the Manual; develop a set of objectives with the group, and discuss problems and leadership techniques. Answer questions. Establish the idea that they and you constitute a team working for the good of the community and that their efforts and sacrifices are worthwhile and are appreciated.
12. Get the program started as soon as possible, but do not sacrifice value and quality for speed. Sometimes you can derive multiple values from one activity. For example, a hobby show might uncover prospective volunteer leaders in specialized hobby fields as well as stimulating community interest in the various hobbies.

13. Do not neglect the leaders. Route program material and new ideas to them, maintain personal association, encourage them, ask how you can help or make things easier for them, stress the team idea, and offer to help them with their leadership problems.
14. Maintain a public relations program throughout. Keep the people informed of what you are doing, but at the same time, do not fail to make them aware of the fundamental values of recreation.

## BOARD RELATIONS WITH THE PUBLIC

The citizens of a municipality demand a high degree of competency in recreation boards even though the board members are volunteer. This competency, in turn, should be recognized by financial support of the people for the public recreation programs. Information regarding the concept of recreation, accountability of the tax dollar, and the purpose of the Recreation Department should be disseminated by the Recreation Board. The board should make it clear to the public that suggestions and criticisms are welcome and will receive thoughtful consideration. It is advisable for the board to conduct its affairs in a manner that wins public respect and tax-dollar support for the department and guarantees its integrity to the community. As a far-reaching effect, the board should be ready to listen to criticism and quick to discern and remedy situations that require correction, either by board or staff members. In addition to submitting an annual report as required, the board should maintain a public relations program throughout the year utilizing the press, radio, speeches, movies, exhibits, "come-and-see tours", and other appropriate media of communication.<sup>10</sup>

People are different. They have individual differences — recreation programs are to reach individuals on an individual basis and the board should represent the interests of the entire community and not *just* the interests with which the individual board member may be affiliated.

## PROFESSIONAL AFFILIATION

The growth of any profession demands a close-knit kinship of allied interests whereby ideas can be challenged, explored and implemented, intellectual avenues lengthened and views projected for self and service betterment. There are several existing professional and service organizations devoted solely to the recreation movement. It is well for the Board of Recreation to realize the need for professional alignment and affiliation and sanction membership in one or all of the organizations and provide expenditures for conference attendance for its personnel. The wide variety of published material alone in the various journals and periodicals are resources for new ideas and program aids. Professional affiliation for the Department of Recreation is fundamental. Dollar for dollar value in program worth would be cinque-fold if not more.

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<sup>10</sup> "Check List for Park and Recreation Boards." *Ibid.*



The recreation movement has many professional components. It is only natural that a growing profession with numerous interests in specific areas of recreation programming have many organizations which individuals feel an allegiance. A small selection of the organizations is stated here.

**Professional Organizations:**

American Camping Association, Bradford Woods, Martinsville, Indiana

\*\*American Recreation Society, Bond Building, 1404 New York Ave., N.W., Washington 5, D. C.

American Association of Group Workers, 129 East 52nd Street, New York 22, New York

American Association for Health, Physical Education and Recreation, 1201 16th Street, N.W., Washington 6, D. C.

American Institute of Park Executives, Oglebay Park, Wheeling, West Virginia

**Service Organizations:**

The Athletic Institute, 209 South State Street, Chicago 4, Illinois

\*\*National Recreation Association, 8 West 8th Street, New York 11, New York

In order to clarify the purposes and objectives of the National Recreation Association\*\* and the American Recreation Society\*\*, a joint statement was made in 1950 which indicated the difference.<sup>1</sup>

The National Recreation Association and the American Recreation Society are glad to subscribe to this joint statement of primary purpose of both organizations and to join in urging all professional recreation workers to participate in the activities of the association and the society as members of both. In this effective, cooperative action can be developed for more advancement of the recreation movement and the recreation profession.

The National Recreation Association is a national, voluntary, civic organization through which professional and lay citizenship participation can unite to provide the many nation-wide services in the recreation field which are essential to the sound growth of recreation throughout the country.

The American Recreation Society is a national, voluntary, professional fellowship organization concerned with the building of a strong professional group. Its program, directed to the profession, is designed to improve the quality of professional leadership, and thus the quality of recreation services and opportunities.

To the professional recreation worker and to the individual planning to enter the field, membership in the National Recreation Association and the American Recreation Society is not a case of "either/or" but of identification with each and support of both.

The National Recreation Association provides field service with a staff of competent full-time recreators who service the six districts or geographical areas of the United States. The New England Dis-

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Joseph Prendergast, Executive Director, National Recreation Association.

trict Representative<sup>2</sup> is available for consultation and to lend advice to communities on recreation problems, facilities, finance, and personnel. In the initial organization of any local public recreation department, governing authorities would do well to solicit his advice. Consultation and advice may be additionally secured from one of the universities or colleges offering a degree in recreation or from the superintendent of recreation of an already well-organized department. The State of Vermont offers consultant service to local communities from its State Recreation Board<sup>3</sup> and New Hampshire with its State Representative<sup>4</sup> of the National Recreation Association.

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<sup>2</sup> Waldo Hainsworth, District Representative, National Recreation Association, Fowler Road, Northbridge, Massachusetts.

<sup>3</sup> Mrs. A. O. Brungardt, Vermont State Director of Recreation, State Office Building, Montpelier, Vermont.

<sup>4</sup> Richard Tapply, New Hampshire Representative, National Recreation Association, Bristol, New Hampshire.

## VII. Structures for Recreation Finances

Ordinances, city charters, or city council order uniformly prescribe financial practices for the various departments of municipal government. Budget making and budget administration are rightly within the administrative and executive procedures of the Recreation Department and should concern the Superintendent of Recreation.

Municipal management authorities agree that the *formulation* of plans and policies for raising funds and revenues for recreation services and facilities should be cooperatively performed by the Recreation Board and the chief executive of the municipality. It is incumbent on Board Members to understand the acceptable principles of finance and the methods which can be utilized in securing monies through tax and other sources to finance the program. Recreation Board members ought to be conversant with the importance of a sound financial base for recreation. It is agreed that recreation programs are best sanctioned on a sound structural tax base. At present, the recommended per capita expenditure is listed as six dollars. Again, this is a standard and standards are never dictates.

Sound fiscal policies of a town or city are fundamental and recreation expenditures should be a regular item in the over-all municipal budget. Recreation Boards should consider the fact that programs under the tax dollar should be sound in themselves and dispersion of funds should be adequate enough for full support. This may take time but financial obligations should not create a mockery of what is intended for public service by doling out a pittance and then demanding that the Superintendent of Recreation support the program "in any way he can!" If there is a duplication of service on the tax dollar for recreation and the burden of finance is hidden in many sundry areas and places with many sponsorships, it is well for the municipality to openly air its containers.

Recreation is a public service and government has the non-exclusive responsibility to sponsor and finance it. Voluntary contributions, fees and charges, and haphazard city "donations" alone will not finance it for long; it cannot be self-supporting any more than public education. Local laws, therefore, should clearly set forth the method or methods of financing and allow the flow of income to accrue from a variety of sources. Regardless of the source or sources, funds should be designated specifically for the sole purpose of sponsoring recreation. Recreation should never be announced and sold to the public on the basis that it will not cost much. *Worth* of any public department constitutes a flow of money and can be no different with public recreation.

## PRINCIPLES OF FINANCE

Sound principles of financing recreation, based upon sound experience and practice are accurately stated in *Recreation Administration — A Guide to Its Practices*<sup>1</sup>.

1. *Funds to provide the basic floor of public recreation services, programs, and facilities should be provided through tax funds.* Because of what recreation contributes to the well-being of people and society, it is the legitimate claim on the public treasury.

2. *Because conditions change so rapidly, recreation expenditures should be re-evaluated periodically.* Some communities attempt to operate by spending the same amounts of funds year after year even though needs and conditions have changed. This not only results in inefficient expenditure of money but also causes inadequate service and sometimes dissipates current fiscal resources.

3. *Each public and voluntary agency for recreation should have a sound policy with respect to fiscal planning and finance.* Such policies should be in harmony with the functions and objectives of the agency.

4. *Sound fiscal procedures should be established.* Accepted forms of financial procedures should be adopted and adhered to in financial operations. This refers to such operations as budgeting, receiving, allocating, disbursing, accounting, and auditing finances.

5. *Bonding of personnel is essential.* Persons who are called upon to handle the funds of an agency should be bonded in accordance with accepted procedures.

## METHODS OF FINANCE

The support of local public recreation is coordinated in various ways. For the most part, it depends on an allocation from the city's general fund and fees and charges levied by various program areas. A combination of the following should be considered.<sup>2</sup>

### THE GENERAL FUND:

Recreation Departments are generally financed through appropriations made by the city councils or town meetings on the basis of budgets which are presented by the recreation authority. Financing recreation in this way has these *advantages*:

(1) There is flexibility, making it possible for a recreation department to secure within reason as much money as it may need from year to year, depending upon the extent to which the council or board of aldermen can be convinced of the need and its relative importance to other municipal services.

(2) The amount of money which is allocated for recreation need not fluctuate with yearly variations in assessed valuation.

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<sup>1</sup> Harold D. Meyer and Charles K. Brightbill. *Recreation Administration — A Guide to Its Practices*. ©1956. Prentice-Hall, Englewood Cliffs, New Jersey. 1956. p. 435. Reprinted by permission.

<sup>2</sup> Harold D. Meyer and Charles K. Brightbill. *Ibid.* pp. 440 - 448.

(3) It contributes to and facilitates over-all municipal financial management in that the allocation of funds for recreation can be more readily synchronized with other public expenditures.

(4) It encourages a recreation authority and its superintendent to be always alert, constantly doing a good job, and interpreting the program.

However, financing recreation through general appropriations or the GENERAL FUND has its *disadvantages*:

(1) When recreation departments have to rely upon appropriations by a city council, they are subject to the whims and fancies of those who hold the purse strings and may find themselves under constant political pressure.

(2) Because annual appropriations are uncertain, planning is made difficult, if not impossible, and threats arise which can conceivably cripple the service or actually wipe out the program. Moreover, the main advantage (i.e. no limits on expenditures) may be dissipated by the existence of an over-all legal ceiling on the municipal tax rate.

### SPECIAL TAX LEVY

The Commonwealth of Massachusetts "permissive" legislation permits the financing of public recreation through a special tax levy for recreation which is earmarked for the purpose. This is referred to as the *mill-tax* or a part of one cent — ten mills equal one cent — is allocated for recreation and other allied purposes. This must be adopted through local referendum.

The proponents of the special tax levy contend that it is *worth* while because:

(1) It assures a minimum income and permits a department to plan intelligently over a long period of time.

(2) It prevents meddling with the department's own affairs, policies, and practices by those who hold the purse strings.

(3) It makes possible higher standards. Moreover, it is based on local referendum.

The *opposition* maintains that:

(1) Even through special levy the income is never completely stable, since it fluctuates with assessed valuation.

(2) It obstructs executive leadership and initiative by making them dependent upon regular income.

(3) It handicaps over-all management of municipal funds.

(4) Income has little or no relation to need.

### SPECIAL TAX

Aside from the millage levy, some communities have partially financed their recreation services through levying special taxes, the revenue from which is used to support the program. These include amusement taxes, taxes on liquor and other alcoholic beverages, sales taxes on merchandise, or parking meters.

### SPECIAL ASSESSMENTS

This method of financing has been used in making public improvements of all kinds from the installation of sewers and the paving of streets to the establishment of parks and playgrounds. Even the special assessment requires a vote of the city council and not infrequently proves to be unwork-

able because of the mechanical and legal difficulties involved. Special assessments, moreover, tend to encourage piecemeal growth. They can obstruct plans and easily be called unfair to the poorer sections of a community. Even the difficulty of arriving at fair estimates on special assessments is not easy to overcome.

### BOND ISSUES

Bond issues are a common device for capital improvements and outlay. In the majority of cases they are voted on by the total electorate.

### CHARGES AND FEES

The practice of institution systems of charges and fees for public recreation is not new. There are, in fact, few reputable systems which do not involve fees and charges of some kind, and the practice has found an increasingly important place in their financial structure. It should be constantly remembered, however, that public recreation cannot depend upon this source of revenue as the main pillar of financial support.

### SUBVENTIONS FROM THE STATE

Subventions from state government to assist municipalities to finance local public services are not uncommon. As an example, is the fund received through the State Department of Education to local school boards for recreation included in adult education programs.

### CONCESSIONS

A *concession* in public recreation usually refers to a privilege or right granted by the public authority to a given party to sell commodities or services on properties under public jurisdiction. Concessions are advantageous to public recreation agencies in that the agency is relieved of financial responsibility and risk as well as the task of operating the concession.

### MISCELLANEOUS

Among these are: (1) gifts, donations, and endowments, (2) leases, rentals, permits, and transfers, (3) supplementary grants from federal agencies, foundations and national private agencies, and (4) excess condemnation.

A city or town in the Commonwealth of Massachusetts may appropriate money for the exercise of any of its corporate powers, and may specifically appropriate for the below listed purposes. It appears there are no items for public recreation in which a town or city may borrow outside its debt limit. All debts authorized to be incurred within the debt limit must be authorized by a two-thirds vote of the city council or town meeting.

<i>Purpose</i>	<i>Massachusetts General Law Annotated</i>	<i>Max. Time Limit Within Debt Limit</i>
For the purchase and improvement of parks.	MGLA c. 40 s. 5 (5)	—

Laws under which parks must be laid out.	MGLA c. 45	—
For marking historic sites.	MGLA c. 40 s. 5 (14)	—
For necessary drinking troughs, wells and fountains in public places.	MGLA c. 40 s. 5 (14)	—
For the establishment, maintenance or increase of a public library, including the erection of or a suitable provision for buildings or rooms.	MGLA c. 40 s. 5 (19)	—
For public health purposes.	MGLA c. 40 s. 5 (25)	—
For establishing and maintaining public gymnasiums, swimming baths or other means of exercise.	MGLA c. 40 s. 5 (25)	—
For public band concerts and music for public celebrations.	MGLA c. 40 s. 5 (26)	—
For acquiring land for, and the establishment, maintenance and operation of bathing beaches and swimming pools.	MGLA c. 40 s. 5 (25A)	—
For establishing and maintaining children's health camps.	MGLA c. 40 s. 5 (32)	—
For acquiring land, or for the least of land for not exceeding five years for public parking places, and for maintaining same.	MGLA c. 40 s. 5 (33)	—
<i>Purpose</i>	<i>Massachusetts General Law Annotated</i>	<i>Max. Time Limit Within Debt Limit</i>
For stocking ponds and other inland waters with fish and for liberating game, and for the expenses incidental thereto, including the feeding of game so liberated. Such stocking and liberation (of game) is subject to the written approval of the director of the division of fisheries and game of the state department of natural resources.	MGLA c. 40 s. 5 (41)	—
For the purchase of token awards to be made by a playground or recreation commission. The appropriation for this purpose is limited in any one year to one-thousandth of one percent of the assessed valuation and in no event in excess of \$1,000.	MGLA c. 40 s. 5 (42)	—
For the erection and maintenance of public bath houses in beach districts.	MGLA c. 40 s. 5 (45)	—

For the construction, maintenance and operation of an outdoor artificial ice-skating rink. The city or town must provide for cost of maintenance and operation, including maturing debt and interest by means of charges upon persons using such rink.

MGLA c. 40 s. 5 (48) —

For acquiring land for public parks, playgrounds or public domain.

MGLA c. 44 s. 7 (2) 30 years

For the construction of an outdoor artificial ice-skating rink for which refrigeration equipment is required, on land owned by the city or town.

MGLA c. 44 s. 7 (2A) 15 years

#### *Purpose*

<i>Massachusetts</i>	<i>Max. Time</i>
<i>General Law</i>	<i>Limit Within</i>
<i>Annotated</i>	<i>Debt Limit</i>

For the construction of an outdoor swimming pool on municipally owned land.

MGLA c. 44 s. 7 (2B) 15 years

For coordinating and conducting programs dealing with problems of the aging.

MGLA c. 40 s. 5 (49) —

For establishing and maintaining a conservation commission. The annual appropriation is limited to 1/20 of one percent of the assessed valuation and in any event to \$15,000.

MGLA c. 40 s. 5 (51) —

To purchase or lease land and erect, alter, enlarge, repair and improve buildings for public baths and wash houses, to provide open bathing places, to furnish them with furniture, fittings and conveniences and to provide instruction in swimming. This appropriate section must have been accepted by the municipality by a 2/3 vote.

MGLA c. 45 s. 12 —

For the acquisition of land and buildings for playground and recreation purposes.

MGLA c. 45 s. 14 —

For the erection and maintenance of structures on common landing places.

MGLA c. 88 s. 14 —

## **BUDGET MAKING AND ADMINISTRATION**

The word "budget", as applied to governmental practice, is used to denote the plan prepared by a responsible government executive for financing a public enterprise for a given period. Until it has received the approval of the appropriating body, usually the city council, the budget is merely a plan without force. With this ap-



proval it becomes a "controlling financial plan" for carrying out a program of government operation and service, and a plan for raising the necessary revenues.

The formulation of plans for raising revenues for public work is a duty performed by the duly constituted officers and departments in the municipal government and does not concern directly the executives in charge of departments other than the finance department of the city.

The budget classification of expenditures should, if possible, parallel the classification of accounts used by the city auditor. For the purpose of making and controlling a department budget it is often desirable to classify expenditures in more detail than is required by the auditor.

## STANDARD CLASSIFICATION OF EXPENDITURES

A simple expenditure classification that is already in use in more or less modified form in a number of cities is recommended by the National Municipal League<sup>3</sup>:

### EXPENDITURE CLASSIFICATION

- 1000. Services, Personal
  - 1100. Salaries and Wages, Regular
  - 1200. Salaries and Wages, Temporary
  - 1300. Other Compensations
- 2000. Services, Contractual
  - 2100. Communication and Transportation
    - 2110. Postage
    - 2120. Telephone and Telegraph
    - 2130. Freight and Express
    - 2140. Traveling Expenses
    - 2150. Hired Horses and Vehicles
  - 2200. Subsistence, Care and Support
    - 2210. Subsistence and Support of Persons
    - 2220. Subsistence and Care of Animals
    - 2230. Storage and Care of Vehicles
  - 2300. Printing, Binding and Advertising
    - 2310. Printing
    - 2320. Typing and Mimeographing
    - 2330. Binding
    - 2340. Advertising
    - 2350. Engraving and Stamping
    - 2360. Lithographing
    - 2370. Photographing and Blue-printing
    - 2380. Publication of Notices
  - 2400. Heat, Light, Power and Water
    - 2410. Furnishing Heat

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<sup>3</sup> George Hjelte. "Recreation Department Budget Making and Administration." National Recreation Association, New York. P189. pp. 6 (mimeo).

- 2420. Furnishing Light and Power
    - 2430. Furnishing Water
  - 2500. Repairs
    - 2510. Repairs to Equipment
    - 2520. Repairs to Buildings and Other Structures
  - 2600. Janitorial, Cleaning and Other Services
- 3000. Commodities
  - 3100. Supplies
    - 3110. Office
    - 3120. Food
      - 3121. Food for Persons
      - 3122. Food for Animals
    - 3130. Fuel and Lubricants
      - 3131. Coal
      - 3132. Other Fuels
      - 3133. Lubricating Oils
    - 3140. Institutional
      - 3141. Clothing and Household
      - 3142. Laundry and Cleaning
      - 3143. Refrigerating
      - 3144. Surgical and Medical
      - 3145. General
    - 3150. School and Recreational
    - 3160. Farm and Dairy
    - 3170. Laboratory
    - 3180. General
  - 3200. Materials
    - 3210. Building
    - 3220. Road
    - 3230. General
  - 3300. Repairs
    - 3310. Parts of Equipment
    - 3320. Parts of Structures
- 4000. Current Charges
  - 4100. Rents
    - 4110. Of Buildings and Offices
    - 4120. Of Equipment
  - 4200. Insurance
    - 4210. On Buildings and Structures
    - 4220. On Stores
    - 4230. On Equipment
    - 4240. Official Bonds
    - 4250. Employees Liability
  - 4300. Refunds, Awards and Indemnities
  - 4400. Registrations and Subscriptions
  - 4500. Taxes
- 5000. Current Obligations
  - 5100. Interest
  - 5200. Pensions and Retirements
  - 5300. Grants and Subsidies
- 6000. Properties
  - 6100. Equipment

- 6110. Office
- 6120. Furniture and Fixtures
- 6130. Instruments and Apparatus
- 6140. Tools
- 6150. School
- 6160. Motor Vehicles
- 6170. Farm
- 6180. Live Stock
- 6190. General
- 6200. Buildings and Improvements
  - 6210. Buildings and Fixed Equipment
  - 6220. Walks and Pavements
  - 6230. Sewers and Drains
  - 6240. Roads
  - 6250. Bridges
  - 6260. Trees and Shrubs
- 6300. Land
- 7000. Debt Payments
  - 7100. Serial Bonds
  - 7200. Sinking-fund Installments

Detail sheets showing how the several estimates are built up should accompany the department budget. For example, the detail sheet for "Services, Personal" should show under "Salaries and Wages, Regular": (1) The classification of positions; (2) the names of incumbents; (3) ordinances fixing salaries; (4) the compensation for the current year; and (5) the compensation recommended for the coming year.

It is not necessary to describe here in detail the composition of all supporting schedules. It is sufficient to state that unit costs of all items enumerated in the budget should be shown, together with the number of units that make up the total request.

### **FORM OF BUDGET ESTIMATE**

The budget estimate is usually submitted to the budget-making authority on columnar sheets showing after each item:

- (1) The expenditure in each of the two preceding years;
- (2) The expenditure to date in the current year;
- (3) Estimated expenditures as at the close of the current year; and
- (4) Estimated expenditures for the coming year.

## VIII. Acquisition of Recreation Properties

One of the most precious commodities in the metropolitan area to the municipal recreation department is land — land for buildings, land for programming, and land for its general aesthetic qualities. Acquiring lands properly situated and well distributed presents one of the most fundamental and difficult problems in the establishment and development of a public recreation system. The twentieth century need for land is vital to home-owners, small commercial firms, industries, and municipal governments. The upward swing in population trends compounds this problem throughout the nation. The difficulty of obtaining suitable lands impedes the growth and development of public recreation facilities in cities probably more than any other factor. Not only has little progress been made in acquiring areas for recreation development in cities already established, but new sections and subdivisions of cities continue to be opened and developed without adequate space for recreation needs.

George Hjelte, former General Manager of the Los Angeles Municipal Recreation and Park Department, has indicated in his publication, *Administration of Public Recreation*,<sup>1</sup> the following methods which might be employed in acquiring recreation properties:

### DEDICATION OF LANDS IN REAL ESTATE SUB-DIVISIONS

With regard to districts yet to be subdivided and sold in separate lots or parcels for residential purposes it would seem that some way could be found to require that land be dedicated for public recreation purposes as a condition to approval of subdivision plans. This is the manner in which dedication of necessary streets is obtained. Municipal statutes uniformly require approval of street plans and dedication of easements for street purposes before subdivided lands may be sold. The courts have generally upheld local zoning ordinances setting up reasonable requirements with reference to streets. Similar legal authority to require the dedication of recreation areas is lacking, nor can it be granted by the enactment of state laws or amendments of state constitutions, for legal authorities have agreed that any such provision would be unconstitutional in that it would be tantamount to confiscation without compensation.

### RIGHT OF EMINENT DOMAIN

The right of eminent domain is the traditional legal right of any government to take any lands required for public purposes. The right implies that the land must be taken by due process of law and that the private or corporate owner from whom the land is to be taken is adequately compensated. This right applies to the taking of lands required for parks and recreation as well as other public purposes. The right is exercised through

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<sup>1</sup> George Hjelte. *Administration of Public Recreation*. The Macmillan Company, New York. 1940. pp. 171 - 182.

judicial processes set forth in statutes of several states. Courts have held that the finding of the properly constituted governmental body as to the public necessity for the acquisition is conclusive. The courts merely adjudicate the damages to be paid the owner from whom the property is taken.

## **CONDEMNATION OF LANDS**

The process by which governments exercise the right of eminent domain is called the process of condemnation. The governing body of the city, having ascertained that funds are available for the acquisition of a given piece of property, officially finds that the same is required for public recreation and serves notice on the owner to this effect.

Condemnation is usually the best means of determining what is a fair price to pay for properties but frequently properties are acquired by direct purchase in the open market.

## **EXCESS CONDEMNATION**

A public improvement such as a highway, bridge or park frequently causes adjoining property to increase in value. Value is created by the public investment for the benefit of the owners of adjoining property. It would seem that the improvement itself might be financed in whole or in part by the value thus created. City planners have advocated the use of excess condemnation to accomplish this object. This plan involves the condemnation of more land than required for public improvement and sale of the excess land at an enhanced price when the improvement is completed. Proceeds derived from the sale are applied on the cost of the public improvement.

## **DIRECT PURCHASE OF RECREATION LANDS**

Direct purchase of land desired is a more simple procedure than condemnation. It is also less expensive, for court and other expenses incidental to condemnation often run very high in relation to the total award to the owner, especially when the award is not great, as in the case of small properties acquired for neighborhood and district use.

Most recreation departments do not have power to conduct purchase transaction themselves. These duties are performed by designated agents of the city council or by a land department.

## **TRANSFER OF LANDS FROM OTHER USES**

Within the confines of a city there are usually parcels of land in public ownership, i.e., belonging to the city, county, state, or federal governments, which are no longer required for the purposes for which they were originally acquired. There are former reservoir sites, firehouse sites, sites acquired for corrals or stables, or storage of city engineering equipment, public school lands no longer used, or properties bequeathed to the city for one purpose or another in years gone by. A search should be made in public records for such properties and if they are suitable for public recreation purposes then transfer by proper authority to the control of the recreation department should be sought. If possible such transfer should be made

permanent by dedication by ordinance of the governing body. If this is impracticable temporary transfer may be acceptable.

Indiscriminate acceptance of jurisdiction over public lands of the type mentioned above is unwise. There are often small odd-shaped pieces of land left over after streets have been laid out or changed which are assigned to the recreation or park department for maintenance. These are usually a source of continuing expense without being of much value to anyone.

## **USE OF LANDS UNDER LEASE AND PERMIT**

Use of lands under lease and permit is sometimes resorted to when more permanent control is impracticable for lack of funds or for other reasons. When the need for the land is a permanent one acceptance of jurisdiction in this manner is rarely advisable. A lease for a long term of years would ordinarily not be granted by private owners except at commercial terms. A lease for a short term gives such temporary control that improvements at considerable cost cannot be justified. Without proper improvements successful operation is rarely possible. Operation under a lease or permit encourages an attitude of complacency which mitigates against the formulation of plans for more permanent solution of the problem. If the lease or permit is from another governmental agency the situation is altered. Each proposal or project needs to be examined and judged on its own merits, but as a general rule the acceptance of lands on lease and permit is not to be encouraged.

## **GIFTS OF RECREATION LANDS AND STRUCTURES**

Many cities have received notable gifts of lands and structures for community recreation and some have received cash bequests to be used for the same purpose.

Cities and other public jurisdictions prefer to receive gifts in "fee simple." The fee simple is the unrestricted title to the land without conditions as to its use or future disposition.

In their eagerness to accept lands for public benefit officials heretofore frequently erred in agreeing to all sorts of unreasonable and fanciful restrictions which donors have insisted upon. Some of these appeared reasonable enough or perhaps innocuous at the time the gift was made, but subsequently as the city grew and conditions changed their unreasonableness came to light. A word of caution needs to be sounded, therefore, concerning this matter but no general rule can be stated as to which restrictions are reasonable and which are not acceptable. Each situation must be judged according to its individual merit.

## **LEGAL USE OF PARKS**

Lands acquired and dedicated for park purposes may not thereafter be used for any purposes inconsistent therewith. This is a fortunate legal provision for frequently where land is needed for almost any public purpose it is suggested that a portion of the park lands already owned be taken.

Playgrounds as a rule do not share the same legal protection generally enjoyed by parks unless they have been originally acquired and dedicated as parks.

## GIFTS BY DEDICATION

A gift of park or recreation lands may be made by presentation and recording of a proper deed of gift in favor of the municipality or other subdivision of government. The dedication must be officially accepted by the governing body. Gifts may also be made by filing a subdivision map showing the area dedicated as a park or playground but some courts have ruled that the dedication to be complete must be accepted by the governing body and must be recorded.

## OCEAN BEACHES AND TIDE LANDS

It should be pointed out that tidelands and tidewaters cannot be generally enjoyed for recreation unless access is had to them across the adjoining upland beach. For this reason seacoast cities, counties, and states have recently undertaken to acquire long strips of ocean beach for recreation purposes. The manner of acquisition has been the same as for parks and recreation playgrounds.

## RIVERS AND LAKES

Navigable rivers and lakes have generally the same status as to public ownership and public rights to use them as the ocean, but non-navigable waterways are often held wholly in private ownership, subject to certain riparian rights of owners of property dependent thereon for water supply. Acquisition of some waterways for public recreation purposes is now recognized as commendable public policy and may be accomplished in the same manner as park and recreation lands are acquired.

## MASSACHUSETTS PONDS

“By natural law itself these things are the common property of all: air, running water, the sea, and waves at the shores of the sea.”

Justine, 533 A.D.<sup>1</sup>

This passage is a summary of an older expression appearing in the Justinian digest and carried into Common Law and lends significance to the use of ponds and streams in Massachusetts. Notwithstanding the fourteen centuries since 533 A.D. to the present, it is hard to find another way of crowding more subjects of present concern for leisure than into this one single sentence. The opinions of court cases cite many authorities who maintain that a right to a stream or pond is sacred and not even the state can divert without compensation. In clear-cut terminology, Mr. Justice Knowlton has stated, “The state has no better right to divert water from the river by draining it out of the pond, than by draining it from the river, for the river and ponds are parts of a natural water-way through which the water passes from its source to the sea. Together, they

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<sup>1</sup> Translated from the Latin: “Et quidem naturali jure communia sunt communia sunt omnium haec, aër, aqua profluens, et mare et per hoc littora maris.”

constitute a single system of natural features of the country, the preservation of whose form and identity is essential to the enjoyment of all the property bordering upon the waters.”<sup>2</sup>

New England cities and towns have a wealth of outdoor recreation facilities in their ponds, streams, and shores. Massachusetts is not excluded. Oftimes untapped recreation resources and only explored in some instances on a limited basis, lie in the area of adjacent ponds for public recreation. Commercial and proprietary interests have enjoyed this area for a long time. Communities could well utilize their water resources for recreation on a year-round basis offering an endless array of leisure pursuits to the citizens and a profitable venture in tourist trade. In the latter, a great deal is being done, but a great deal more could be initiated.

One of the earliest legal enactments of the Bay Colony of Massachusetts was the publication of the Body of Liberties in 1641 which surrounded the Great Ponds and their use.

**THE BAY COLONY OF MASSACHUSETTS**  
**BODY OF LIBERTIES**  
**LIBERTIES COMMON<sup>3</sup>**  
**1641**

It is ordered by this Court, decreed and declared;

2. Everie Inhabitant who is an hous-holder shall have free fishing and fowling, in any great Ponds, Bayes, Coves and Rivers so far as the Sea ebs and flows, within the precincts of the town where they dwell, unless the Free-Men of the same town, or the General Court have otherwise appropriated them. Provided that no town shall appropriate to any particular person or persons, any great Pond containeing more than ten acres of land: and that no man shall come upon anothers propertie without their leave otherwise then as heerafter expressed; the which clearly to determin, it is declared that in all creeks, coves, and other places, about and upon salt water where the Sea ebs and flows, the Proprietor of the land adjoyning shall have proprietie to the low water mark where the Sea doth not ebb above a hundred rods, and not more wheresoever it ebs farther. Provided that such Proprietor shall not by this libertie have power to stop or hinder the passage of boats or other vessels in, or through any sea creeks, or coves to other mens houses or lands. And for great Ponds lying in common though within the bounds of some town, it shall be free for any man to fish and fowl there, and may passe and repasse on foot through any mans proprietie for that end, so they trespasse not upon any mans corn or meadow. (1641 1647)

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<sup>2</sup> Thomas M. Stetson. *Harvard Law Review*. Volume 2, 1888-1889. p. 317. ©1889 By the Harvard Law Review Association.

<sup>3</sup> *The Colonial Laws of Massachusetts, reprinted from the Edition of 1660. Containing also, The Body of Liberties of 1641.* William H. Whitmore. Massachusetts Laws, Statutes, City Council of Boston (Rockwell and Churchill Printers), Boston, 1889. p. 50.



Subsequently, the General Court of the Commonwealth has defined Great Ponds as:<sup>3</sup>

The provision of this chapter relative to great ponds shall apply only to ponds containing in their natural state more than ten acres of land, and shall be subject to any rights in such ponds which have been granted by the Commonwealth.

It has been said inadvertently, referring to Massachusetts Statute, 1869, Chapter 384 that "by the present laws great ponds are defined to be ponds by the area in more than twenty acres," and a similar statement was made in *Harvard Law Review*, Volume 2, (197-198). Attention was called to the fact by one of the editors of the *Review* that Massachusetts Statute, 1869, Chapter 384 did not change the limit of what should be deemed a great pond, but merely granted to the littoral of ponds between ten and twenty acres certain rights and privileges.<sup>4</sup>

It should be noted though that the ruling of the General Court regarding access is indicated in an Opinion of the Attorney General in 1916.

Under Chapter 91, Section 35 no right of access exists for the purpose of fishing, to Great Ponds of twenty acres or less where such ponds are entirely surrounded by land of private proprietors and there is no direct access, in any event, over cultivated land where access may be obtained and over uncultivated or enclosed land.

The earlier statutes of the Commonwealth indicated that the Great Ponds would forever be open to 'fishing and fowling' and the present Chapter 91, Section 18A indicates the petitioning powers and procedures for public access to the Great Ponds.<sup>5</sup>

*Public Access to Great Ponds; Petition:* Upon petition of ten citizens of the Commonwealth that in their opinion public necessity requires a right of way for public access to any Great Pond within the Commonwealth, the department and the Attorney General or a representative designated by him jointly shall hold a public hearing and receive such evidence thereon as may be presented to them. The joint board may make such additional investigation as it deems desirable and if it appears to said board that such a right of way exists it shall present a petition to land court for registration of easement. If it appears that no right of way exists it shall submit a report, together with recommendation thereon, to the General Court on or before January first of the following year. This Section shall not apply to any body of water used as a source of water supply by the Commonwealth or by any town or district, or water company, nor shall it affect the right of the Commonwealth or any town or district or water company to the use and control of the water of any such pond for the purposes of water supply, nor shall it affect or diminish any existing right to the use of the water of any such pond or mercantile or manufacturing purposes.

<sup>3</sup> *Massachusetts General Law Annotated*. Chapter 91, Section 35.

<sup>4</sup> *Harvard Law Review*, Volume 3, April 15, 1889. p. 1.

<sup>5</sup> *Massachusetts General Law Annotated*. Chapter 19, Section 18A.

While the Great Ponds have been designed for public use, these water areas must possess distinct characteristics to meet the stipulations for access and use by the public for recreation purposes.<sup>6</sup>

*Great Ponds, public character; rules and regulations.* Except as otherwise provided in this Section and elsewhere in this Chapter, every Great Pond not used as a source of water supply of any town, water supply or fire district or public institution and not subjected to the provisions of Section 160 of Chapter 111 or the first sentence of Section 17 of Chapter 92, shall be public for the purpose of hunting and boating thereon and shall, notwithstanding the provisions of any special law relating to fisheries in any particular place, be open to all inhabitants of the Commonwealth for fishing purposes; provided, that any city or town in which the whole or any portion of any Great Pond not exceeding five hundred acres in extent is situated may, as to so much thereof as is located within the boundaries, make and enforce rules and regulations relative to hunting, fishing, and boating thereon. Any such rules and regulations shall, to the extent that they authorize hunting and fishing, or both, be subject to the approval of the Department of Conservation and, to the extent that they authorize any use thereof, be subject to the approval of the Department of Public Works. All persons shall be allowed reasonable means to access to such ponds for the purpose aforesaid.

All of the foregoing statutes relating to the Great Ponds of the Commonwealth of Massachusetts are legal propositions of the Ordinance of 1641 of the Bay Colony.

While not related directly to communities in Massachusetts, there are three court interpretations in other states that are significant regarding the public jurisdiction and use of lakes and ponds.

Legislatures have appropriated vast sums to provide shorefront playgrounds which are freely placed at the disposal of the people. The opinion estimated as feeling that the public right to walk and bathe in front of private property has now less to commend it.<sup>7</sup>

With construction of public shore right, probably the largest part of bathing and recreation developments is being, in part, based upon private ownership of the littoral above the high water line. The littoral owner not only may forbid public crossing of his land to the shore<sup>8</sup> but also (except in proceedings for interfering with navigation or perhaps fishing), he has a private right to cross the foreshore to the water himself. In this way, subdivision projects form Beach Clubs and the like and find expressions in signs "Private Beach, Public Keep Out!"<sup>9</sup>

"Outdoor Recreation" to many people means water! The utilization of water resources by the towns and cities means swift and

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<sup>6</sup> *Massachusetts General Law Annotated*. Chapter 131, Section 34S.

<sup>7</sup> *Lloyd v. City of Redondo Beach*, 124 California. App. 541, 12 (Pac.) (20) 1087 (1932).

<sup>8</sup> *Bolsaland Co. v. Burdick*, 151 California, 254, 260 90 Pac. 532, 534. (1907).

<sup>9</sup> *Town of Orange v. Resnick*, 94 Connecticut. 573, 109 Atlantic 864. (1920).

favorable results in program planning. Massachusetts should jealously guard her ponds, lakes, shores, and streams. The *Outdoor Recreation Resources Review Commission Report*<sup>10</sup> has indicated that Americans are seeking the outdoors as never before. Water often is the focal point for outdoor recreation. Most people seeking outdoor recreation *want* water. While many states throughout the nation must plan for lakes and ponds of any size, they are here in Massachusetts as a wonder of nature and in the backyard of every community.

More specifically, Massachusetts offers 1,980 miles of coastline on the Atlantic Ocean, 4,230 miles of rivers, including the Connecticut, Merrimack and the Charles, and 1,100 lakes, ponds, and reservoirs. The reservoirs include the man-made Quabbin of 20,704 acres and the Wachusett Reservoir of 4,160 acres in the central and western parts of the Commonwealth. Islands abound galore with twenty-eight in Boston Harbor and the more famous Nantucket, Martha's Vineyard, and the Elizabeth Islands off Cape Cod. Pleasure boating is the nation's fastest growing family recreation. With its growth, towns and cities are faced with increased problems of safety, education, identification, enforcement and construction of access roads, parking areas and ramps. To take advantage of this natural recreation commodity of New England is a must but the *wise* and *sane* use of the water resources and their environs is fundamental.

## EASEMENT

Easement is the right or control which one may have over another's land or area. One principle of the "easement right" that has been valid for many years is the well-known "right-of-way" for public use. More specifically, the public department can purchase certain rights on private lands to insure restricted usage and eliminate population and construction sprawl. Authorities substantially agree that it is not practical, from a financial standpoint, to have *all* open-space properties under governmental ownership. The aesthetics of open farm land, wooded hills and terrains offer unlimited appeal to a community. This "freedom of space" makes a village a "good place to live" for any town or city. To continue this principle of "non-developed open-space," the public department purchases "easement rights" from private owners. In essence, a negotiation between the public body and the private owner would be fulfilled to prevent the entire property from being developed or sub-divided and would remain "free." For the most part, this is an inexpensive financial contract between the two.

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<sup>10</sup> Laurance Rockefeller, Chairman. *OUTDOOR RECREATION RESOURCES REVIEW COMMISSION*. (Report) Department of the Interior, Washington, D. C. (Bureau of Outdoor Recreation.) 1962.

## IX. The Open-Space Land Program of the Federal Government<sup>1</sup>

"Land is the most precious resource in the metropolitan area. The present patterns of haphazard suburban development are contributing to a tragic waste in the use of a vital resource now being consumed at an alarming rate.

"Open space must be reserved to provide parks and recreation, conserve water and other natural resources, prevent building in undesirable locations, prevent erosion and floods, and avoid the wasteful extension of public services. Open land is also needed to provide reserves for future residential development, to protect against undue speculation, and to make it possible for state and regional bodies to control the rate and character of community development."<sup>2</sup>

Open space is fast diminishing in our urban areas. Land is converted to urban uses at an estimated rate of a million acres a year. The urban population also is increasing: between 1950 and 1960, 97% of our population growth occurred in urban areas. By 1960 more than 125 million Americans — 70% of the total population — lived in urban areas, and it is predicted by 1980, 80% of our total population will be urban. This points to an increasing demand for homes, shops, highways, community facilities, and public services which will consume much of the available undeveloped land. Land left in its natural state — the marshes, woods, fields, stream valleys, and beaches — will become increasingly scarce in expanding metropolitan areas.

Yet, at the time that the amount of open-space land decreases, the urgent need for it increases. For instance, throughout the country the demand for recreation is growing, because of increases in our standard of living, population, mobility, income, and leisure time.

Open space in urban areas is needed to provide accessible outdoor recreation opportunities. It is needed also to help guide the development of urban areas, and to assure that the benefits of natural resources serve a variety of urban needs for land. The same resources that can cause flooding, if the basic balance of nature is not respected, can become assets of an urban environment if a stream valley park program is undertaken.

Recognizing the urgent need to assure a decent living environment in our urban areas with provision for recreation, conservation, and scenic and historic purposes, the Congress has enacted Title VII

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<sup>1</sup> "The Open-Space Land Program Fact Sheet." Housing and Home Finance Agency, Urban Renewal Administration, Washington 25, D. C. August, 1962.

<sup>2</sup> President John F. Kennedy. March 9, 1961.

of the Housing Act of 1961 to assist communities, regions, and states in providing necessary open-space land which could not otherwise be provided. This Open-Space Land Program is administered by the Urban Renewal Administration, Housing and Home Finance Agency, Washington 25, D. C.

### **What is Open-Space Land?**

Open-space land under Title VII is undeveloped or predominantly undeveloped land in urban areas having use for park, recreation, conservation, historic, or scenic purposes.

Open-space lands to be acquired with Federal assistance should be of sufficient size so that their permanent dedication to open-space uses will have a substantial effect on curbing metropolitan and suburban sprawl and preventing the spread of urban light and deterioration. *Ten acres* in one contiguous tract has been determined as the minimum necessary to accomplish the purpose. However, smaller tracts may be eligible if they serve the desired purpose.

To be eligible for Federal assistance, open-space land to be acquired must be located in an urban or urbanized area. An urban area is defined as an area which is urban in character, including those surrounding areas which form an economic and socially related region, taking into consideration such factors as population trends and patterns of urban growth; location of transportation facilities and systems; and distribution of industrial, commercial, residential, governmental, institutional, and other activities. This definition generally follows the Bureau of Census definitions for a Standard Metropolitan Statistical Area or an urbanized area.

### **Who May Apply for the Grants?**

Any State, regional, metropolitan, county, municipal, or other public body established by State law or local law or by interested compact or agreement which has the:

1. Authority to acquire title to, or other permanent interests in, open-space land.
2. Authority to contract with Federal Government to receive and spend Federal funds.
3. Ability to provide the non-Federal portion of the cost.

### **What Are the Matching Arrangements?**

The Federal grant to an eligible public body may not exceed 20% of the cost of the land. However, grants of up to 30% may be made where the public body has authority to acquire open-space land (1) for an urban area as a whole, or (2) for all or a substantial portion of an urban area pursuant to an interstate or intergovernmental compact or agreement.

## **What Can Be Acquired With the Grant Funds?**

The open-space land grant applies only to the cost of acquiring title to open-space lands, or permanent interests, such as easements, where these lesser interests will serve the desired purpose. It does not cover the costs of any proposed construction, development, or improvement, or of administrative expenses such as appraisals, real property taxes, or closing costs. The public body must be able to acquire the proposed open-space land within twelve months after approval of the application for a grant and in no case will the grant cover costs of land acquired before the approval of the application.

## **What Are the Requirements for Obtaining Grants?**

### **1. Planning requirements:**

- a. A program of comprehensive planning for the urban area must be in effect.
- b. The proposal for open-space land must be important to the execution of a comprehensive plan for the urban area. If such a plan has not been completed, an application may be approved on the basis of a comprehensive plan for the locality within which the open-space land is situated.
- c. The open-space land proposal must be reviewed by other public bodies which have responsibilities for comprehensive planning and related phases of the open-space program.
- d. Evidence must be submitted showing that a maximum of open-space land is being preserved by the governing bodies with a minimum of cost through zoning and subdivision regulations, use of existing public land, special tax provisions, and continuation of appropriate private use of open-space land through leasebacks, easements, and similar arrangements.

### **2. Other requirements:** In addition, the application must supply information which:

- a. Explains the basis and source of total estimated acquisition costs.
- b. Assures that land is being acquired at the fair market price.
- c. Establishes the legal authority of the applicant to file the application and to acquire the open-space land in the manner proposed.
- d. Justifies the necessity of Federal assistance for fulfillment of the proposed open-space program.

All initial inquiries and dealings with the Federal Government on open-space land should be directed to the Regional Director of Urban Renewal at the Regional Office.<sup>3</sup>

<sup>3</sup> REGION I: 346 Broadway, New York 13, New York. (Connecticut, Maine, New York, Massachusetts, New Hampshire, Rhode Island, and Vermont.)

## X. Problems of Liability and Insurance

With the rapid growth of public recreation programs and the acquisition and construction of recreation areas and facilities, municipalities find themselves subject to an increasing number of liability actions. The moral liability is omnipresent. The core of legal liability hinges on the interpretation of the state courts as to whether or not public recreation is considered a governmental or proprietary function.

A 1923 decision of the United States Supreme Court quotes the difference between the two.<sup>1</sup>

"The distinction between the municipality as an agent of the state for governmental purposes as an organization to care for local needs in a private or proprietary capacity has been applied in various branches of law in municipal corporations. The most numerous illustrations are found in cases involving the question of liability for negligent acts or omissions of its officers and agents. It has been held that municipalities are not liable for such acts and omissions in the exercise of police powers, or in the performance of such municipal faculties as the erection and maintenance of a city hall, courthouse, the protection of the city's inhabitants against disease and unsanitary conditions, the care of the sick, the operation of fire departments, the inspection of steam boilers, the promotion of education, and the administration of public charities. On the other hand, they have been held liable when such acts or omissions occur in the exercise of the power to build and maintain bridges, streets and highways and waterworks, construct sewers, collect refuse, and care for the dump where it is deposited. Recovery is denied where the act or omission occurs in the exercise of what are deemed to be governmental powers and is permitted if it occurs in a proprietary capacity. The basis of the distinction is difficult to state, and there is no established rule for the determination of what belongs to the one or the other class. It originated with the courts."

A basic reason for relieving local governments of liability for those activities which are considered governmental is to remove a deterrent to the provision of such services. A decision of the Kentucky Court noted this, as follows: "The reason for exempting a municipality from damages inflicted in the performance of its governmental functions is one of public policy to protect public funds and public property. Taxes are raised for certain specific governmental purposes; and if they could be diverted to the payment of damage claims, the more important work of the government which every municipality must perform regardless of its other relations would be seriously impaired if not totally destroyed."<sup>2</sup>

<sup>1</sup> City of Trenton v. State of New Jersey, 262 US 182, (1923).

<sup>2</sup> O'Connell v. Merchants and Police District Telephone Company, (Kentucky) 180 S.W., L.R.A. 1915 d. 508.

Massachusetts courts have repeatedly interpreted public recreation in the Commonwealth as a governmental function and have ruled that municipalities are fairly safe from the award of damages for accidents occurring on play and recreation areas but are not exempt in cases of nuisance. The general rule is that a city or town, in the absence of a statute specifically imposing liability, "is not liable for negligent acts of its officers or employees in the performance of strictly public functions imposed or permitted by the legislature from which no special corporate advantage, pecuniary profit or enforced contribution from individuals particularly benefitted, results."<sup>3</sup>

It should be noted, however, "where a municipality is owner or in control of real estate and creates or permits a private nuisance to the real property of another outside the limits of the public work, it is liable in a private action for the direct injury to the same extent as a natural person since the public use and general benefit will not justify such a nuisance to the property of another."<sup>4</sup>

In its governmental character, the municipality acts not for the municipality itself but merely as an arm or subdivision of the sovereign Commonwealth of Massachusetts. If the injury to a person or damage to property occurs in a municipality where statutory permission to sue has been granted, suits for damages may be maintained by the injured party. The city is not liable for the negligent acts of its agents or employees in the performance of governmental functions.

While public recreation is considered a governmental function in Massachusetts, recreation boards should be aware of the interpretation of public recreation in those states which have interpreted its existence as proprietary. In these instances, recreation departments should, by all means, be covered by liability insurance. In its proprietary character, the municipality does not act primarily or chiefly from consideration connected with the government of the state at large but for the private advantage of the community which is incorporated as a distinct legal personality. If the injury occurs while the agency is engaged in a proprietary function, a suit may be maintained on the same basis as it would against any other person or corporation.

Within the governmental function framework, it should be noted that specific public recreation events and facilities may be ruled proprietary by the courts if excessive fees and charges are levied for profit or enforced contribution is demanded, gross negli-

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<sup>3</sup> *Orlando v. City of Brockton*, 295 Mass. 205, 3 N.E. 2d 794 (1936).

<sup>4</sup> *Towner v. City of Melrose*, 25 N.E. 2d 336, 305 Mass. 165 (1940).



gence of the municipality is proven, and some form of liability insurance is in existence. This, however, should not be considered a deterrent in establishing insurance coverage.

The municipality is responsible for protecting the property and rights of property owners and neighbors adjoining city owned recreation areas; failure to do so may result in a nuisance case. Furthermore, if the city creates a dangerous situation or permits one to exist, it may be found guilty of negligence. The *posting of signs* does not relieve the city of its responsibility.<sup>5</sup>

A recreation department using facilities not under its jurisdiction, as for example the use of school facilities, unless the program is operated by the school board, is considered a tenant and cannot be included in the coverage afforded the owner of the premises. The recreation department should then be prepared to assume liability for accidents where negligence is involved and protect itself with adequate liability insurance.

There are several solutions to the problems of liability as indicated in the National Recreation Association's publication, *Liability in Public Recreation and Accident Coverage*.<sup>6</sup>

1. The municipality in which the recreation department is located can purchase Public Liability Insurance on a comprehensive basis covering all activities and facilities of the recreation department. This is the preferred method as it covers all public liability exposure.

2. The municipality can cover certain exposures of the recreation department such as swimming pools, athletic fields, recreation buildings and the like on a schedule type of liability policy referred to as the "Owners, Landlords, and Tenants Form."

3. In the cases where the recreation department is a private agency, the department would take out Public Liability Insurance on either a comprehensive or scheduled basis.

4. The limits of bodily injury liability can range from the \$5,000-\$10,000 to \$1,000,000 dollars. It is recommended that a minimum limit of \$100,000 - \$300,000 dollars be carried by Recreation Departments.

5. The coverage can be written on a deductible basis ranging from \$250.00 to \$25,000.00 for any one accident, which will substantially reduce the cost of the subject insured.

6. The National Recreation Association has negotiated with a leading insurance company an Excess Bodily Injury Liability Group Policy and coverage is available to interested individual recreation agencies in the amount of either \$500,000 to \$1,000,000 per accident, in excess of \$25,000 basic coverage. The underlying \$425,000 coverage would presumably be purchased by the recreation agency or municipality through a local insurance agent, or it could be self-insured. The negotiations as to the price for this Excess Insurance aim to produce a saving of up to 50% by group rating as compared to the cost of an individual risk basis.

<sup>5</sup> Advisory Committee on Recreation Administration of The National Recreation Association. *Liability in Public Recreation and Accident Coverage*. NRA, 8 West 8th Street, New York 11, New York. pp. 17. 1957.

<sup>6</sup> National Recreation Association. *Liability in Public Recreation and Accident Coverage*. *Ibid.* p. 3.

## SIGNIFICANT COURT CASES RELATED TO LIABILITY

It may be stated as a general principle that a municipality in the Commonwealth of Massachusetts is not liable for defects in commons, parks, and playgrounds. In a case involving a defect in a path across a public common, the defendant town was held not responsible. Such a path, the court pointed out, was not laid out as a public way.<sup>7</sup> However, if the defect may be associated with the maintenance of buildings on land which is used, in part at least, for rental purposes, the town or city may be held liable, the municipality then acting, not in its public capacity, but in a private character in the management of property for profit.<sup>8</sup> The exemption from liability extends to defects in streets or boulevards which are parts of public parks.<sup>9</sup>

In the case of *Reitano v. City of Haverhill*, a workman was injured while helping to repair the high school stadium. The duty to maintain the stadium was vested by law in the school committee. It was held that the city could not be liable for negligence of the person in charge of the work. The Court stated that a municipality is not liable under those circumstances "and this is whether the exercise of the authority granted by the Legislature be for profit or otherwise."<sup>10</sup> The question may be raised whether it is true in all cases that a city or town will escape liability for the torts (legal wrongs) of public officers if they are engaged in commercial enterprises permitted by statute. It is to be noted that the Court, in the *Reitano* case, took care to establish that the income from the stadium was insignificant. It appears that the underlying reason for the decisions in the *Reitano*, *Sweeney v. Boston*,<sup>11</sup> and *Warburton v. Quincy*<sup>12</sup> cases was that the city government as such had no jurisdiction at all over school property. In the *Sweeney* and *Warburton* cases, persons were injured while attending functions in school buildings which were rented for the occasions.<sup>13</sup>

A public officer, for whose torts a city or town would not ordinarily be liable, may in certain instances become the agent of the municipality. As stated by the Supreme Judicial Court, "a public officer for one purpose may be an agent of the city for another". The liability of the city or town, in such case, will depend on which hat the public officer is wearing when the wrongful act is committed.<sup>14</sup>

<sup>7</sup> *Clark v. Inhabitants of Waltham*, 128, Mass. 567. (1880).

<sup>8</sup> *Oliver v. City of Worcester*, 102 Mass. 489. (1869).

<sup>9</sup> *Gero v. Metropolitan Park Commissioners*, 232 Mass. 389, 122 N.E. 415. (1919).

*Dakin v. City of Somerville*, 262 Mass. 514, 160 N.E. 260. (1928).

*Gleason v. Metropolitan District Commission*, 270 Mass. 377, 170 N.E. 395. (1930).

<sup>10</sup> *Reitano v. City of Brockton*, 295 Mass. 205, 3 N.E. 2d 794. (1936).

<sup>11</sup> *Sweeney v. City of Boston*, 309 Mass. 106, 34 N.E. 2d 658. (1941).

<sup>12</sup> *Warburton v. City of Quincy*, 309 Mass. 111, 34 N.E. 2d 661. (1941).

<sup>13</sup> Henry W. Hardy, *Massachusetts Practice - Municipal Law*. Boston Law Book Company, Boston, 1959. p. 867.

<sup>14</sup> *Ryder v. City of Taunton*, 306 Mass. 154, 27 N.E. 2d 742 (1940).

A city or town escapes liability for the wrongful acts of its public officers only when it permits them to exercise their own judgment and discretion in executing their statutory powers. However, the mere fact that a public officer functions under the general supervision of the municipal governing board is not sufficient to cause his negligence to be imputed to the city or town.<sup>15</sup> If a city or town takes work out of the hands of the public officers whose duty is under law to perform, then the persons selected to do the work become the agents of the municipality, and in such case, the municipality is liable for the wrongful acts of its agents.<sup>16</sup>

A city or town may assume control of a public function, in effect taking it out of the hands of the officer charged by statute with its performance by appropriate vote of its city council or town meeting. Such a vote might for example instruct the public officer to perform his duties in a certain way. When this happens, the public officers become agents for whose wrongful acts the city or town is liable.<sup>17</sup>

A city or town is ordinarily liable for negligence in the conduct of commercial enterprises undertaken for profit, or to benefit its corporate interests, even though a public need is ultimately served. The fact that a charge is made or can be made in connection with a public enterprise is not always conclusive that the enterprise is commercial in character. The question to be determined in each case is whether the monetary aspect changes the character of what would otherwise be purely governmental function. In *Bolster v. City of Lawrence*, the fact that a small fee was charged at public baths was held not to change their character as a public function.<sup>18</sup> If the income is insignificant, the dominating character of the undertaking as a governmental function is not changed.

A city or town may be liable for negligence in the operation of enterprises which are carried on for its benefit, even though it receives no direct money compensation.<sup>19</sup>

The statutory duty of a city or town cannot be removed by delegating the duty to an independent contractor.<sup>20</sup> However, if the liability upon the city or town is based not upon statute, but on the commercial character of the undertaking, the city or town may insulate itself from liability by using an independent contractor for whose negligence it cannot be held liable upon any principle of agency.<sup>21</sup>

A public officer engaged in a governmental activity is personally liable where a tortious act is performed by him personally or by

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<sup>15</sup> *Ryder v. City of Lexington*, 303 Mass. 281,21 N.E. 2d 382 (1939).

<sup>16</sup> *Ibid.*

<sup>17</sup> *Ibid.*

<sup>18</sup> *Bolster v. City of Lawrence*, 225 Mass. 387,114 N.E. 722 (1917).

<sup>19</sup> *Dickinson v. City of Boston*, 188 Mass. 595,75 N.E. 68 (1905).

<sup>20</sup> *Stoliker v. City of Boston*, 204 Mass. 522,90 N.E. 927 (1910).

<sup>21</sup> *Thurlow v. Town of Provincetown*, 1958 Mass. Adv. S.H. 727,149 N.E. 2d 901.

someone else under his personal direction and in his presence. This is so even though the municipality may not be liable for the consequences of such tortious act.<sup>22</sup>

Neither a city or town, nor the person upon whom the public duty in question is put, is liable for non-feasance, even though such performance of a public duty results in injury to an individual.<sup>23</sup> The term, *non-feasance*, is interpreted as the failure to perform a legal duty. This principle does not apply where a statute imposes an affirmative duty on a city or town a breach of which involves a liability for damages.

It has been held that the liability of a municipality as the owner of or as one in control of land or of a building is the same as that of a natural person. The supreme judicial court has held the following, among others, to be a non-actionable nuisance: The setting off of fireworks for the public benefit on a public playground on a single occasion.<sup>24</sup> The statement was specific. "The setting off of fireworks by a municipality which holds ground for the public as a playground solely for the public use, under R. L. 1902, Chapter 28, Section 19 and Chapter 508 of 1910, is not a nuisance, as the town is not the owner of the playground in the ordinary sense; and furthermore, the setting off of fireworks on a single occasion does not create any permanent or continuing condition of real estate, and ordinary negligence is not a nuisance."

A significant case indicates that "the grantor of a playground, whom the town ostensibly elected trustees thereof, was not an officer or agent of the town, which assumed no control of the playground, as regards liability for allowing baseballs to damage adjoining property."<sup>25</sup>

"In a suit against city to enjoin trespass and abate nuisance resulting from maintenance of playground, equity court cannot award damages for injury already done, since no action at law would be for failure of park commissioners to control the use of the playground so that no harm to persons or property would be likely to follow."<sup>26</sup>

Each instance of wrong-doing or each particular tort within the public recreation program will be judged individually by the courts.

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<sup>22</sup> Trum v. Town of Paxton, 329 Mass. 434, 109 N.E. 2d 116 (1942).

<sup>23</sup> Johnson v. City of Somerville, 195 Mass. 370, 81 N.E. 268 (1907).

<sup>24</sup> Kell v. Inhabitants of the Town of Brookline, 208 Mass. 190, 94 N.E. 257. (1911).

<sup>25</sup> Pease v. Parsons, 173 N.E. 406, 273, Mass. 111. (1930).

<sup>26</sup> Hennessey v. City of Boston, 164 N.E. 470, 265 Mass. 559. (1929).

The provision of safe and sanitary places for citizens to enjoy their leisure is a moral responsibility of all who are vested with the duty of providing and promoting recreation programs and facilities for all. It is incumbent on them to consider this a humane, rather than a legal, duty.

## XI. Comparisons and Standards of Recreation Facilities and Areas

Established standards for playgrounds, tot-lots, community parks, recreation buildings, youth centers, or picnic areas must be adapted to local conditions, needs, and interests. However, standards are helpful to serve as guideposts to eliminate dangerous features and to make the recreation area or facility more attractive.

Butler's, *Recreation Areas*, summarizes the opinions of recreators in regard to minimum number of sets of apparatus, safety features, dimensions, and adequate game spaces on playgrounds, tot-lots and community parks.<sup>1</sup>

The minimum apparatus standards recommended are:

For pre-school age children (under six years)	Chair swings (set of 6) Sand box Small slide Simple low climbing structure Swings — frame 12' high (set of 6) Slide — 8' high (approximately 16' long) Horizontal ladder Climbing device Balance beam Horizontal bar
For children of elementary school age (six - twelve years and older)	Traveling rings See-saws (set of 3-4) Low climbing structure
Optional — if available funds, space and attendance justify.	

"The Committee on Standards in Construction of Playground Apparatus," stated the design, workmanship, and material of playground equipment should assure the following:

1. Safety — absolute minimum of danger resulting from use.
2. Durability — capable of withstanding action of diverse climatic conditions without crystallization for the longest possible period of years.
3. Serviceability — capable of withstanding continued hard use with proper care.
4. Economical maintenance — parts easily replaced.
5. Simplicity of supervision — use readily controlled with minimum of necessary restrictions.
6. Developmental and recreational value.<sup>2</sup>

The suggested dimensions and approximate ground space for apparatus are given below. However, these are only suggestive as local conditions merit a great deal of consideration in the planning and arrangement of facilities.

<sup>1</sup> George D. Butler, *Recreation Areas — Their Design and Equipment*, New York: The Roland Press Company, 1958, p. 20. (By permission).

<sup>2</sup> *Ibid.*, pp. 25-26.

## PLAYGROUND APPARATUS<sup>3</sup>

<i>Type of Apparatus</i>	<i>Dimensions of Apparatus:</i>		<i>Approximate Use-Space Requirements</i>	<i>Space in</i>
	<i>Length in Feet</i>	<i>Height in Feet</i>	<i>in Feet</i>	<i>Square Feet</i>
Balanced Beam	12	.5	6 x 20	120
Climbing Structure (Average)	10	10	20 x 20	400
Climbing Tree or Ladder	5 (diameter)	12	12 x 12	144
Giant Stride	—	12	30 x 30	900
Horizontal Bar (single)	6	5.5 - 7.5	12 x 20	240
Horizontal Bar (double)	11	5.5 - 7.5	18 x 20	360
Horizontal Ladder	12 - 16	6.5 - 7.5	8 x 30	240
Jungle gym (junior)	6.5	7	12 x 15	180
Jungle gym (medium)	10	10.5	20 x 20	400
Merry-go-round	10 (diameter)	3.5	22 x 22	484
Sand box	6 x 10 (minimum)	1	12 x 16	192
See-saws (set of 4)	12	2	20 x 20	400
Slide	16	8	12 x 30	360
Slide, gang	16	8	25 x 40	1,000
Slide, kindergarten	8	4.5	8 x 16	128
Slide, racer	16	8	20 x 30	600
Swings (set of 3)	15 at top	12	25 x 35	875
Swings (set of 6)	30 at top	12	25 x 50	1,250
Swings (set of 4)	18 at top	10	20 x 30	600
Swings, chair (3 set)	10 at top	8	16 x 20	600
Swings, chair (6 set)	20 at top	8	16 x 30	480
Traveling rings	36 at top	12	20 x 60	1,200

<sup>3</sup> *Ibid.*, p 29.

## GAME AND SPORT AREA DIMENSIONS<sup>4</sup>

Dimensions for games and sports engaged in by adults and youth are indicated below. These dimensions have generally been adopted by the National association sponsoring the particular sport, but in some cases they are dimensions approved by an amateur collegiate association.

<i>Name</i>	<i>Dimensions of Game Areas (feet)</i>	<i>Use Dimensions (in feet)</i>	<i>Number of Players</i>	<i>Space Required (sq. ft.)</i>
Archery	30 - 300 in length	50 x 175 (min)	2 or more	8,750
Badminton	17 x 44 (singles)	25 x 60	4	1,500
Baseball	30' diamond	350 x 350 (average with hood backstop)	18	122,500
Basketball (men)	50 x 94 (max) 42 x 74 (min)	400 x 400 (without 60 x 100 (average)	10 12	160,000 6,000
Boccie	8 x 62	55 x 100	12	5,500
Bowling-on-the-green	14 x 110 (1 alley)	20 x 80	2 - 4	1,600
Bowling (alley)	3½ x 62	130 x 130	32 - 64	16,900
Box Hockey	4 x 10	10 x 100	2 or more	1,000
Checkers (giant)	12' square (min)	15 x 20	2	300
Clock golf	20 - 30' diameter	20 x 20 or more	2	400
Cricket	Wickets 66' apart	40 x 40	2 - 8	1,600
Croquet	30 x 60	420 x 420	22	176,400
Croquet (modern)	41 x 85	40 x 75	2 - 8	3,000
Curling	Tees — 114' apart	50 x 95	2	4,750
Deck Tennis	12 x 40 (singles)	25 x 160	2 or more	4,000
Deck Tennis	18 x 40 (doubles)	20 x 50	2	1,000
Field Ball	180 x 300 (max)	26 x 50	4	1,300
Field Hockey	150 x 270 (min) 180 x 300 (max)	200 x 320 average 210 x 330 (average)	22 22	64,000 69,300
Football	160 x 360	190 x 420	22	79,800
Goal-hi	50' diameter	65 x 65		4,225
	60' diameter	75 x 75		5,625



Handball	20 x 34	30 x 45	2 or 4	1,350
Hand Tennis	16 x 40	25 x 60	2 or 4	1,500
Horseshoes (men)	Stakes 40' apart	12 x 52 or more	2 or 4	624
Horseshoes (women)	Stakes 30' apart	12 x 42 or more	2 or 4	504
Ice Hockey	60 x 165 (min) 110 x 250 (max) 85 x 200 (recommended)	100 x 220 (average)	12	22,000
Lacrosse (men)	180 x 330 (min)	225 x 360 (average)	24	81,000
Lacrosse (women)	Goals 270 - 330' apart No definite boundaries	240 x 360 (average)	24	86,400
Paddle Tennis	16 x 44 (singles) 20 x 44 (doubles)	30 x 70 35 x 70	2 4	2,100 2,450
Polo	600 x 960 (max)	600 x 960	8	576,000
Quoits	Stakes 30' apart Stakes 54' apart	12 x 44 25 x 80	2 or 4	528 2,000
Roque	30 x 60	40 x 70	2 or 4	2,800
Shuffleboard	6 x 52	10 x 60	2 or 4	600
Six-man Football	120 x 300	180 x 360	12	64,800
Soccer (men)	165 x 300 (min) 225 x 360 (max)	225 x 360 (average)	22	81,000
Soccer (women)	120 x 240 (min) 180 x 300 (max)	200 x 320 (average)	22	64,000
Softball (men)	60' diamond	275 x 275 (min)	18	75,625
Softball (women)	60' diamond	250 x 250 (min)	18	62,500
Speedball (men)	160 x 360	200 x 420	22	84,000
Speedball (women)	180 x 300	220 x 350	22	77,000
Table Tennis	5 x 9	12 x 20	2 or 4	240
Tennis	27 x 78 (singles) 36 x 78 (doubles)	50 x 120 60 x 120	2 4	6,000 7,200
Tether Ball	Circle 6' in diameter	20 x 20	2	400
Touch Football	160 x 360	190 x 420	18 - 22	79,800
Volleyball	30 x 60	45 x 80	12 - 16	3,600

\* George D. Butler, *Recreation Areas — Their Design and Equipment*, New York. The Roland Press, New York, 1958, p. 96.

In planning new facilities and areas, it is well to consider the standards of specific facilities which are needed in the community. Standards and space requirements become important when new properties are being considered for acquisition or when new areas and facilities are to be constructed on already existing land owned by the Department of Recreation or the city. Standards are suggestions and are never dictates unless the game or activity which is being sponsored is under the auspices of a National organization and then specific dimensions of courts and activity space become important.

## **MINIMUM STANDARDS FOR PLAYGROUNDS, PLAYFIELDS, RECREATION BUILDINGS, AND INDOOR FACILITIES**

It is impossible to indicate other than briefly the minimum standards for recreation areas and facilities suggested by the National Recreation Association. To do otherwise, would be foolhardy as many factors within the community must be considered. Quality and quantity of leadership and in essence, the type of program offered, have a direct relationship on the number of individuals using a facility and their subsequent enjoyment. Specific or unique features likewise have a direct bearing on the attendance factor. It should be remembered that standards are suggestions and never dictates. Cited here are suggested standards that a town or city should consider.<sup>5</sup>

There should be at least one acre of public recreation land for each 100 of the population, well distributed throughout the community, developed in accordance with standards for specific facilities to meet widely varying recreation needs.

### **1. The Playground:**

At least two six acres,  $\frac{1}{4}$  to  $\frac{1}{2}$  mile from every home. One acre of playground for each 800 of the present and estimated future population.

### **2. The Playfield:**

One acre of playfield for every 800 of the present and estimated future population.

Size of playfield — 12 to 20 acres or more, within  $\frac{1}{2}$  to one mile from every home.

### **3. The Recreation Park:**

Every community should provide, within or near the city limits, one or more larger areas. One hundred acres solely for a park is recommended as standard. If smaller, the area should be chosen carefully to provide a desirable natural atmosphere.

### **4. The Recreation Building:**

Indoor recreation center. One building for every 20,000 of the population, open year-round.

### **5. Public Buildings of Various Types for Recreation:**

- (a) Gymnasium for each 10,000 of the population or less.
- (b) Auditorium or assembly hall for each 20,000 or less.
- (c) Social room or playroom for each 10,000 or less.

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<sup>5</sup> National Recreation Association. "Standards." (Mimeo) pp. 2.

- (d) Lounge for informal reading and quiet games for each 10,000 or less.
- (e) Game room for each 10,000 or less.
- (f) Arts and Crafts workshop for each 10,000 or less.
- (g) Club or multi-use room for each 4,000 or less.
- (h) Indoor swimming pool for each 50,000 or less.

In applying these standards to your city count all facilities generally and regularly available to community recreation use, whether in recreation buildings, schools or other structures.

## **SPECIALIZED AREAS AND FACILITIES**

### **Tennis Courts:**

One tennis court for each 2,000 of the population.

### **Golf Courses:**

There should be one hole of publicly owned golf for every 3,000 of the population. Forty to sixty acres are needed for a nine-hole course and at least one hundred acres for an 18-hole course. Pitch and putt golf courses require less acreage.

### **Swimming Facilities:**

The city's swimming facilities should be capable of serving three percent of the total population at one time. In the case of swimming beaches it is important to provide adequate space for parking and traffic flow and for activities in connection with beaches.

### **Athletic Field or Stadium:**

The usual stadium used for competitive events before spectators requires as much as 20 acres including parking space and seating accommodations. A limited type of athletic field can be placed on less. The athletic field usually provides a football field, running track, and space for field events. Occasionally the same space is used for baseball.

### **Baseball and Softball Diamonds:**

There should be one baseball diamond for every 6,000 of population and one softball diamond for every 3,000.

### **Outdoor Theatre:**

Small outdoor theatres may vary from a specialized facility of stand-ard design, seating several hundred people, to a quiet area on a play-ground or park.

### **Parking Areas:**

Off-street parking is a major consideration in the design of recreation facilities.

## **OBJECTIVES OF BUILDING AND PLANNING RECREATION STRUCTURES, FACILITIES, AND AREAS**

After property has been acquired, what then? Governing authorities should schedule their building and development plans along with the Planning Board of the Town or City as part of the master plan utilizing all resources of the community. Nonetheless, Mr. F. Ellwood Allen of the Allen Organization, Park and Recreation Planners, Bennington, Vermont, has indicated thoughts to be considered as planning objectives in the development of recreation areas.<sup>6</sup>

<sup>6</sup> F. Ellwood Allen. "Planning and Developing Recreation Facilities." National Industrial Recreation Conference (Region One), University of Massachusetts, Amherst. October 30-31, 1961. (Address).

## **I. PLANNING OBJECTIVES.**

- A. Effective use of entire site.**

Every part of the property should have a definite function. Should contribute to beauty, utility or both. Intelligent use of fences and hedges help to maintain this objective.
- B. Provision of essential areas and facilities.**

Major and primary features which make possible the activities.  
Incidental features receive secondary consideration.
- C. Multiple use.**

Wherever possible, features should be designed to provide various forms of recreation at different times, hours, and seasons. Convert facilities for various usages.
- D. Adequate space for facilities.**

Adequate allocation of space for play equipment, game courts, fields and other activities.  
Picnicking should be allowed considerable privacy.  
Outdoor theatre should fit in with natural contours.
- E. Ease of supervision and control operation.**

Some areas require constant supervision.  
Supervision and control dictate where each facility is to be located.
- F. Facility of circulation and access.**

Children's areas near entrances. Walks and paths should not extend over activities areas. Parking is essential.
- G. Utilization of natural resources.**

Don't cut trees and shrubs if they can be utilized.
- H. Safety.**

Careful arrangement of apparatus and game courts contribute to safety.  
Location of roads and paths to many facilities assist in safety procedures.
- I. Economy of construction.**

Multiple use concept. Expensive gradings and drainage can be reduced to a minimum.
- J. Economy of maintenance.**

Maintenance costs often bear a direct relation to construction costs. Budget accordingly. Types of cleaning apparatus and careful planning in the developmental stages simplify future headaches.
- K. Convenience of people using area.**

Toilet facilities, drinking fountains, seating accommodations, and parking are essential services.  
Orientation of game courts is important in attaining this objective.
- L. Appearance.**

Every recreation facility and area should present a pleasing appearance from within and without, even though a little space can be made available for plantings.  
Beauty can be achieved through proper architectural and landscape design.

## **II. COORDINATED PLANNING.**

Municipal authorities should coordinate their recreation facilities planning with the over-all planning of the community. There should be no overlapping of existing facilities.

## **III. FUTURE OF RECREATION PLANNING**

Projecting plans for the next twenty years, the recreator must concern himself with the encroachment problem. Park and land areas are rapidly diminishing.

## **EVALUATING THE COMMUNITY PROGRAM**

Recreation Boards and Superintendents of Recreation should measure the effectiveness of their recreation programs and facilities. Significant advancement has been made in the last decade in the development of "techniques" which measure the effectiveness of public recreation programs. Many of these techniques are relatively simple in nature and can be applied by the board members or recreation personnel who are not trained in statistical measures and research methods.

A number of Boards of Recreation across the Nation have adopted the policy of evaluating the recreation program at regular intervals of from one to five years. Boards who follow such a policy of periodic evaluation find the following benefits to be gained from program evaluation:

1. Determine to what extent the department is accomplishing the stated objectives of the total program;
2. Determine whether the program satisfies the needs and interests of the population served;
3. Measure progress in certain phases of the program and use this information in the long-range plan;
4. Uncover the strong as well as the weak points in the program;
5. Secure a great deal of factual information to present to the public to justify the expenditure of funds for the program;
6. Determine if the program meets national established standards; and
7. Periodic evaluation provides a strong incentive for the departmental staff to do a more thorough job.

In order to select the best "techniques" for evaluating the public recreation program, the Board must first determine what factors or phases of the program are to be evaluated. Since a number of measuring instruments have been developed for use in examining only one phase of the program, it is possible that a number of such instruments will be used in conducting a comprehensive survey of all integral parts of the program operation. A "Check List for Facilities" and an "Interest Questionnaire" are listed in the Appendix.

The purpose for which the survey is being conducted is an important consideration in choosing evaluation techniques. Evaluation techniques are used in the following two major ways: (1) to gain information on current status and needs, and (2) to evaluate improvement or determine amount of achievement.

In considering a comprehensive survey, the following phases of the total public recreation program should be considered:

- (1) Leadership,
- (2) Activities,
- (3) Time and participation,
- (4) Areas and facilities,
- (5) Community organization, and
- (6) Finance.

At the conclusion of any survey, it is well to keep in mind that regardless of what the "statistics" prove in sociological research, they never over-rule plain, sensible LOGIC.

## XII. CONCLUSIONS — A Key to the Future

“ . . . I know no way of judging of  
the future but by the past. . . . ”

*Patrick Henry, 1775*

Patrick Henry was not the first to tell us, nor the last. Leading educators and statesmen continue to remind us that every generation must understand its past if it is to make a success of its future. And each generation can *truly* understand its past *only* from its own point in time.

Our ancestors led a nation to freedom. We, and our children, are destined to lead a free world. It is only in America's beginnings that we — and especially our children — can find the resources and the guidance we need. Tradition merits respect!

Change is the major characteristic of the modern world. Whether we like it or not, things will and do change. The wise use of leisure is inherent in the democratic society in which we live. The choice of doing re-creatively as one chooses in his leisure is pursuant to solid democratic ideals. Society jealously guards her mores and dictates and demands that all actions of her individual members be acceptable to other members of the societal group. This has been a dictate of the centuries — a dictate that will not change as the millennial milestones move ahead. Then, because of the dictates placed on leisure usage by society, society through its governmental structures has the non-exclusive right to sponsor, promote, and finance programs for leisure.

Promoting and projecting any recreation program on any extensive and significant scale must be sold — individually and collectively — by the Board of Recreation members and the Superintendent of Recreation and his staff. In so doing, there will be and are many radial fences to hurdle even with the sound and true premise that the public recreation program is an integral part of the general welfare and well-being of the people. On this basis, the reason for establishing public recreation has been repeatedly demonstrated and, in the final analysis, programs have become standard phases of community living. Progress is inevitable.

Within the past decade, programming for recreation needs has become a standard caption within the organizational framework of many public, semi-public, and private groups and agencies of the community. As these services increase, the bite on the charitable, philanthropic, and tax dollar will increase and the closest of alignments might well become competitive for funds and for membership. It is well for the local government to recognize this fast approaching blockade. This unfortunate happening may take years in *some* communities, but the past dreams of technological, scientific, and sociological wonders of a decade ago are now real and, oftentimes, commonplace. So, too, could be the competitive dollar for recreation.

It is all too evident that leisure activities are represented now as a major economic force. All too often, the "road-runners" and the "johnny-come-latelies" will attempt to capitalize on its merits for economic exploitation. Governments should be aware of this and close cooperation and affiliation of ALL community segments and interests should be programmed with long-range thought and consideration. For recreation to not become a public part of the community living process would be deplorable, and to not sponsor it, pay for it, and lead it should be unthinkable on the moral and social conscience of society. To do so, the Board of Recreation must know its people, understand their whims and wishes, their needs and interests, and realize there are no really deep differences between people. Their similarities outweigh their differences and *each* life is infinitely precious as a life — everywhere. With this thought, the Board should then lend policy support for *dignified* leisure.

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 Hennessey v. City of Boston, 164 N.E. 470, 265 Mass. 559 (1929).

## APPENDIX A

### A Glossary of Public Recreation Terms<sup>1</sup>

**Administration:** Determined action taken in pursuit of conscious purpose; its components are planning, organizing, staffing, direction, supervising, coordination, reporting and budgeting.

**Annual Report:** An extensive report made each year by the department head and submitted to the recreation board, mayor, city council, city manager and/or other municipal managing authorities. Such reports usually contain information and records concerning the functions of the department, its organization, physical properties, program, personnel, finances, specific needs, plans, accomplishments and recommendations.

**Appointment:** (personnel) The designation by an authority of an applicant to a position within the recreation agency. The position may be a full or part-time one and require a period of probation before the appointment becomes final. Appointment power is generally granted to the recreation executive upon the approval of the recreation commission, city manager or personnel department.

**Appraisal Survey:** A method of evaluating the existing community recreation resources, program and services in accordance to some established standard of criteria.

**Assessment:** A valuation and listing of property for purposes of taxation.

**Assistant Superintendent of Recreation:** The assistant executive officer in charge of a department or division and its personnel. He performs the administrative functions assigned to him by the superintendent and acts for him in his absence.

**Athletic Field:** A specialized type of outdoor recreation center intended primarily for highly organized games and sports such as football, track and baseball. Permanent seating facilities are usually provided and the area is often inclosed by a fence or wall. Athletic fields equipped with permanent seating facilities are referred to as stadiums.

**Balanced Program:** A diversified program of recreation activities and services based on established principles and designed to equitably meet the broad interests, needs and capabilities of the populace.

**Bond Issue:** A borrowing technique, often used by municipalities to finance capital improvements, which incurs long-term obligations. Bond issues require submission of definite proposition to the people at a general or special election.

**Budget:** An outline of anticipated revenues and expenditures required to operate a recreation program for a given period of time. It is prepared by the chief executive or under his direction, presented to the recreation board, commission or advisory committee, to the city manager and finally to the local governing authority for adoption and approval.

**Capital Expenditure:** Expenses representing the acquisition of property or the construction, addition or major repair of recreation areas and facilities. Funds

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<sup>1</sup> Douglass Sessoms, University of North Carolina (North Carolina Recreation Commission, Publication #20. June, 1956).

for capital expenditures are usually provided through bond issue or annual appropriations earmarked for capital expenditures in the operating budget (pay-as-you-go-plan).

**Capital Improvement:** Improvements made through capital expenditure.

**Certification:** A certificate issued by a recognized certifying agency permitting a person who has met certain requirements to proceed vocationally on certain levels or to hold administrative or supervisory positions in the recreation profession.

**Charter:** A legal written authorization, usually granted by a state legislature and executed in due form, guaranteeing or granting rights, franchises or privileges to a public or private corporation. It is an organic law of the governmental subdivisions of the state and can be amended by the vote of the people within the subdivision with approval by the state legislature or by the legislature itself.

**Community Recreation Center Building:** A structure devoted exclusively or primarily to a diversified program of community recreation activities. Such features as a gymnasium, club rooms, social hall, craft rooms, game rooms, kitchen, auditorium, lobby and service facilities are usually provided. The term Neighborhood Center is often used to describe a recreation center building which serves a specific neighborhood.

**Compensatory Time:** The granting of time off from the job for work time in excess of that which is required. Many departments have adopted the policy of giving one hour of vacation with pay for each hour of overtime worked.

**Comprehensive Survey:** A study which provides an extensive, thorough investigation and analysis of the leisure and recreation pattern of a given locality. It includes an investigation of social, political, economic and cultural casual relationships which have effected, are effecting, or seemingly will effect the future leisure and recreation services in a specific locality.

**Condemnation:** The process by which governments exercise the rights of eminent domain. Condemnation procedures vary from state to state.

**Contingent Fund:** Money set aside in the budget, without reference to specific use, to be drawn upon in case of emergency or for unforeseen events.

**Council of Social Agencies:** A community agency composed of elected or designated representatives of various service agencies, designed to coordinate and plan health, welfare and recreation services and to assist in general community improvement. Social planning is its primary function; this includes an effort to eliminate duplication of services and to bring about coordination of work of all the service agencies, both private and public. In some communities, the agency performing the functions of the council is known as the Community Welfare Council rather than the Council of Social Agencies.

**Eminent Domain:** The legal right of any government to take any land required for public purpose. The right implies that the land must be taken by due process of law and that the owner of the land from whom it is taken receives reasonable compensation.

**Enabling Legislation:** Acts of a "permissive" nature passed by a state legislature granting political subdivisions within the state the right to establish, maintain and operate organized programs of recreation. Specific duties, powers and responsibilities are expressed in the acts.

**Encumbrance:** A financial obligation that is represented by an outstanding order, contract or a similar item which is expected to become payable.

**Fees and Charges:** Revenue received from the charge for particular services or for a special privilege provided by the recreation department such as golf courses fee, admission to athletic events and sale of craft supplies.

**Field House:** A facility providing enclosed and unobstructed space adaptable to various recreation activities, services, demonstrations and meetings. It is often located on, or near, a playfield or athletic field. The term also refers to a service building used by people using the athletic field.

**Form:** A printed piece of paper with blank spaces for the insertion of required or requested specific information such as attendance statistics, personnel or financial data and interdepartmental communications.

**Governmental Function:** Services performed by a municipality incident to sovereignty such as making and enforcing police regulations, prevention of crime, preservation of public health and operating a recreation program. The building and instrumentalities necessarily used in connection with the performance of these functions are likewise classed as governmental. In the final analysis, it is up to the state's supreme court to decide if a service is governmental or proprietary.

**Job Description:** A statement setting forth the characteristics, duties and responsibilities of a specific recreation job or position.

**Job Specification:** A written record of the minimum employment requirements or standards which must be met by an applicant for a specific position. Job Qualification is often used as a synonym for Job Specification.

**Liability:** The legal state of being bound or obligated to pay due to negligence. Creating and/or maintaining a nuisance or the making of charge may tend to subject a public recreation agency to a suit for liability.

**Limited Survey:** A study dealing with a segment of the total recreation pattern in a given locality. It is a general type of social survey with a specific emphasis which includes the specific and related data needed to give information necessary for the analysis of recreation needs and resources.

**Maintenance:** The keeping of recreation areas, facilities and equipment and supplies in accordance with established standards and existing needs for effective operations.

**Managing Authority:** An agency such as the recreation department, board of education, park department or park district set up under governmental charter or as part of the governmental system of service agencies to manage and administer certain recreation areas and facilities, program and services for the general public.

**Master Plan for Recreation:** A long-term guide for the systematic and orderly selection and development of recreation facilities and services over a given period of time. It might be composed of such elements as goals, organization structure, activity program, areas, facilities, personnel and financial support.

**Merit System:** A plan of appointments and promotions based on merit. Its purposes are to provide for the systematic selection of personnel, offer security to the worker and recognize desirable job performance.

**Multiple-Use Areas and Facilities:** Physical features designed and constructed to meet the space and facility requirements of several types of recreation activities. A gymnasium is an example of a multiple-use facility.

**Non-Recreation Revenue:** Represents all income other than revenue receipts. Includes borrowings, sales of properties, refunds and rebates, endowments, gifts and trust receipts.

**Nuisance Laws:** Laws which make one liable for committing acts that endanger life or health, give offense to the senses, violate the laws of decency or ob-

struct the reasonable and comfortable use of property. Municipalities and recreation departments must observe these laws and are not exempted from liability if they are violated.

**Operating Fund:** Money appropriated by the managing authority to be spent by the recreation department during the fiscal year for the operation and maintenance of recreation programs and services.

**Ordinance:** A rule or law passed by the legislative body of the city. Ordinances may be amended or rescinded by the city's law makers.

**Outdoor Center:** An area designed to provide the space and facilities needed to carry on outdoor recreation activities.

**Outdoor Recreation:** This term may refer to any type of recreation activity accomplished in the out-of-doors such as outdoor band concerts, picnics, outdoor pageants and outdoor dances. It may refer specifically to activities performed in the natural environment — nature and outing activities.

**Outdoor Theatre:** A recreation facility designed to meet the needs for a suitable place to hold outdoor plays, pageants, concerts and meetings. Outdoor theatres vary in size from those located on a playground to the large community type and are constructed in a natural setting, conforming to the characteristics of the area. Grassy slopes, wooded and seeded terraces, cement steps or terraces, or permanent or portable benches serve as seats for the spectators.

**Park:** An area permanently dedicated to recreation use and generally characterized by its natural, historic and landscape features. It is used for both passive and active forms of recreation and may be designed to serve the residents of a neighborhood, community, state, region or nation.

**Park District:** A subdivision of state government exercising within its jurisdiction the authority of a municipality. It may operate and maintain parks, recreation programs, police forces, airports and other such facilities and programs designated in the establishing of the district.

**Parkway:** Essentially an elongated park with a road running through it, the use of which is restricted to pleasure traffic. The parkway often services large units in a park district and is rarely found except in large cities.

**Part-Time Worker:** An employee working less than full time or on a seasonal basis and serving in a capacity such as a specialist, playleader, summer playground director or lifeguard.

**Playfield:** A recreation area designed to serve the needs of a community or neighborhood having a population of 10,000 to 15,000 persons. Its essential features are a community recreation building, areas for sports and games, a playground for children, an outdoor theatre, picnic areas, public parking and occasionally a swimming area.

**Play Leader:** The employee who, under the close supervision of a center director or supervisor, leads clubs or groups in organized activities, assists with special projects or exercises general supervision over the activities of individuals or groups. Recreation Leader and Play Leader are synonymous titles for the same position.

**Play Lot:** A small area intended primarily for the play of pre-school age children and generally located in the corner of a neighborhood playground or near the center of one or more units of a multiple-family housing development. It is usually equipped with a sand box, slides, swings and other playground apparatus. Tot Lots and Play Lots are synonymous.

**Priority Schedule:** A listing of items in order of their importance and precedence and used as a guide for the acquisition and/or development of recreation areas, facilities, programs, and services.

**Probation:** The policy of not considering an appointment final until the appointee has demonstrated his capacity for the work; generally probation periods vary in length from one month to a year depending upon departmental policy.

**Proprietary Function:** Services, ordinarily exercised by private business, being executed by a municipality as a means of obtaining revenue. A municipality is usually liable for negligence in exercising the powers and privileges conferred on it for financial advantage.

**Public Relations:** The creation of good will at every point of contact between the agency and the public. Some of the media used to promote good public relations are printed circulars and reports, program demonstrations, employee contracts, newspapers, radio, window displays and public addresses.

**Public Welfare:** A condition of health, prosperity, physical and mental well-being existing among the members of the state. The term implies the government-responsibility for the development of safety, morale, health, recreation, and happiness of its inhabitants.

**Recreation Advisory Committee:** A body of elected or appointed laymen serving in an advisory capacity to the recreation executive or recreation board. They may represent the views of the agencies promoting recreation, various age and minority groups and geographic locations within the community served. An advisory committee is found in cities where the recreation board has advisory powers.

**Recreation Attendant:** An employee who does routine work involving the performance of a variety of manual and clerical tasks at a community recreation facility. He may assist a recreation leader at a center, playground or camp or serve as an attendant at a facility such as a swimming pool. The position is usually filled by part-time or seasonal workers.

**Recreation Board:** An appointed or elected body of laymen, serving on a salaried or volunteer basis, usually responsible for determining the policies of a public recreation agency and/or advising the chief executive. It convenes from time to time and is generally required to act collectively according to powers derived from enabling legislation, charter or similar jurisdictions.

**Recreation, Community:** All recreation services and activities provided by public, private and commercial agencies for persons who have in common a geographical, psychological or institutional bond, and a community of interest.

**Recreation Facilities:** Buildings and other physical features and provisions, such as swimming pools, community recreation centers, stadiums and outdoor theatres, designed and constructed for recreation use.

**Recreation, Federal:** Recreation programs, activities and consultative services administered by an agency of the Federal Government such as the Department of Interior, the Department of Agriculture and its Extension Services, the Department of Health, Education, and Welfare and the Tennessee Valley Authority.

**Recreation, Industrial:** Recreation programs designed for the employees and families of the industrial and business firms. These programs are usually administered either by the firms, their employees, public recreation agencies, labor unions or a combination of any or all the above mentioned groups. Often referred to as Employee Recreation.

**Recreation, Institutional:** A recreation program operated for/by an institution designed to meet many of the recreation needs and interests of its subject personnel whether they be delinquents, defectives or dependents. Institutions often provide a program of recreation activities for their employees as well as for their inmates.



**Recreation, Municipal:** A program of public recreation provided by the Corporate Body for persons residing in any one of the several types of governmental units have the power of local self-government.

**Recreation, Principles:** Generalized and abbreviated statements with respect to recreation about which competent recreation authorities are in agreement. These principles are generally used as guides for action.

**Recreation, Private:** A recreation program and/or services established under the auspices of an agency or organization which is supported by other than governmental funds such as the Community Chest fund, private donations and membership fees. Private agencies usually serve a particular constituency and often limit their services to a given area of a city. Recreation is often a technique rather than the primary purpose in private agencies.

**Recreation, Public:** Governmental provision of recreation opportunities and services to all people. It is financed primarily by taxation and includes the establishment, operation, conduct, control and maintenance of program, services, areas, and facilities.

**Recreation, Rural:** Recreation services and programs conducted for inhabitants of incorporated places with an approximate population of 2,500 or less and for inhabitants of open country or unincorporated areas.

**Recreation, School:** A recreation program operated as an essential part of the educational program teaching the arts of leisure and/or by providing recreation opportunities for individuals and groups of the community with the total school program.

**Recreation, State:** A recreation program or service offered by a state agency such as the State Recreation Commission, Conservation Department or Welfare Department on a state-wide basis. The services include the operation of a public area and facility such as a state park, the carrying forth of state-wide research, the planning and promotion of new recreation programs and/or advising local groups on various problems of recreation.

**Recreation Tax Levy:** A tax voted by the people and expressed in terms of three to ten cents per one hundred dollars of assessed valuation of property within the corporate limits of a given area. It is enacted by popular vote and subject to change by the same procedure. (North Carolina Law)

**Recreation Therapy:** The use of recreation activities as a means to aid in the cure and the correction of individual deviations from the normal or healthy conditions.

**Referendum:** A method by which the people bring a legislative measure to a direct vote of the electorate.

**Reservation:** (a) A large tract of land varying in size and design, retaining its natural state so as to preserve its natural resources and scenic features. It is often located outside or near the city limits and may come under the jurisdiction of local, county, state, regional or national units of government.

(b) Holding or retaining of a specific area or facility for the sole use of a certain individual or group.

**Revenue Receipts:** Represents all incomes which increase assets without increasing debts. They may be derived from sources such as a recreation tax, general fund, concessions, fees and charges, sales of commodities, grants, donations and special assessments.

**Self-Supporting Program:** An activity or service financially supported by revenue derived from its own operation. Services of this type include the operation of a swimming pool, golf course, or bowling alley.

**Service Building:** A structure affording the facilities necessary to accommodate the people using recreation facilities such as a golf course, swimming pool, or ice skating rink. It may contain dressing rooms, lockers, toilets, shower rooms, check and storage room, a lobby or lounge and a repair shop. Also, the term is used in reference to buildings which facilitate the operation and maintenance of the recreation system such as greenhouses, storage buildings and garages.

**Shelter House:** A building, usually located on a playground or playfield, equipped with such features as an office for the director, space for storage, toilets and a craft or play room.

**Special Event:** Any phase of the recreation program having community-wide appeal and status that deviates from the normal routine and requires special planning and assistance such as a talent show, community sing or festival.

**Special Recreation Areas and Facilities:** Areas and facilities designed, constructed and equipped to meet the requirements of a specific form of recreation activity such as a golf course, swimming pool and athletic field.

**Standards:** Norms, established by authority, custom or general consent to be used as criteria and guides in establishing and evaluating program, leadership, areas, facilities, and plans.

**Superintendent of Recreation:** Chief Executive officer in charge of a recreation department or division and its personnel and responsible for promoting recreation services for all the people of the city. He is usually responsible to a board or commission and sometimes directly responsible to the city manager, city council, mayor or commissioner. The chief executive is often referred to as the Director of Recreation rather than the Superintendent of Recreation.

**Survey:** A cooperative undertaking which applies scientific methods to the study and treatment of current recreation data, problems and conditions. The limits of a survey are prescribed before execution, and its facts, findings, conclusions and recommendations are made common knowledge and provide a base for intelligent coordinated action.

**Work Schedule:** An orderly and logical listing of the tasks, projects, and activities to be planned and/or carried out during a given period of time. It may include the listing of the names of employees responsible for each project and present the items in chronological order.

**Youth Center:** A recreation building designed primarily to be used by adolescents. The center may be operated by a public or private agency or by a teenage organization under adult guidance.

**Youth Service Organizations:** An agency offering recreation, group work and/or other services to youth as means toward a selected purpose and organized as a contribution to their informal education, personality and physical growth and development. Organizations such as the Young Women's Christian Association, Boy Scouts of America, Catholic Youth Council and Junior Optimists are regarded as Youth Service Organizations.

**Recreation District:** A subdivision of state government exercising within its jurisdiction the authority of a public recreation agency. It may include incorporated or unincorporated territory and have corporate responsibility and powers such as taxation, bond issuance and eminent domain.

## APPENDIX B

### Survey of Recreation Services, Areas, and Facilities<sup>1</sup>

#### SCHEDULE I. Schedule for Analysis of Recreation Units and Areas

Name of Unit or Area \_\_\_\_\_  
Mailing Address \_\_\_\_\_ PO Zone \_\_\_\_\_ Phone \_\_\_\_\_  
Person-in-Charge \_\_\_\_\_ Title \_\_\_\_\_  
Corporate Agency \_\_\_\_\_  
General Offices Location \_\_\_\_\_  
Phone \_\_\_\_\_

#### A. INDOOR FACILITIES

1. Assembly Halls, rooms suitable for mass seating or for ballroom:  
Size \_\_\_\_\_ x \_\_\_\_\_ Capacity \_\_\_\_\_ Stage Area \_\_\_\_\_  
Size \_\_\_\_\_ x \_\_\_\_\_ Capacity \_\_\_\_\_ Stage Area \_\_\_\_\_  
Size \_\_\_\_\_ x \_\_\_\_\_ Capacity \_\_\_\_\_ Stage Area \_\_\_\_\_
2. Theatre, Capacity \_\_\_\_\_ Stage Area \_\_\_\_\_
3. Gymnasias, rooms designed and fitted for physical activities:  
Size \_\_\_\_\_ x \_\_\_\_\_ Seating Capacity \_\_\_\_\_ Permanent ( ) Portable ( )  
Size \_\_\_\_\_ x \_\_\_\_\_ Seating Capacity \_\_\_\_\_ Permanent ( ) Portable ( )  
Size \_\_\_\_\_ x \_\_\_\_\_ Seating Capacity \_\_\_\_\_ Permanent ( ) Portable ( )  
Dressing Room Facilities: (Includes showers, toilets, lockers.)  
Boys' Capacity \_\_\_\_\_  
Girls' Capacity \_\_\_\_\_
4. Clubs or Class Rooms, smaller rooms suitable for smaller group meetings or gatherings: Total Number \_\_\_\_\_
5. Kitchens: Total Number \_\_\_\_\_ Total Serving Capacity \_\_\_\_\_
6. Indoor Swimming Pools, total capacity<sup>2</sup> of indoor pool (s) \_\_\_\_\_
7. Shops or Studies, includes special facilities provided for crafts, arts or hobbies available for participant use. Indicate if for general purposes or specify other special uses:  
Type of shop \_\_\_\_\_ Estimated Capacity \_\_\_\_\_  
Type of shop \_\_\_\_\_ Estimated Capacity \_\_\_\_\_  
Type of shop \_\_\_\_\_ Estimated Capacity \_\_\_\_\_
8. Libraries or reading rooms: Total Volumes \_\_\_\_\_  
Average Daily Circulation \_\_\_\_\_ Rooms: Size \_\_\_\_\_ x \_\_\_\_\_  
Size \_\_\_\_\_ x \_\_\_\_\_
9. Lounge or reception rooms:  
Number Large \_\_\_\_\_ (over 20 x 20) \_\_\_\_\_  
Number Small \_\_\_\_\_ (less than 20 x 20) \_\_\_\_\_  
Locations: \_\_\_\_\_

<sup>1</sup> Dana E. Harlow. *An Analytical Survey of Existing Recreation Facilities and Activities and a Proposed Recreation Program on a Year-Round, Long-Range Basis for Military Dependents.* University of Illinois, Champaign. M. S. Thesis. 1955.

<sup>2</sup> Formula: Area less than 5½ feet deep; 15 plus area over 5½ feet/30.

## STRUCTURAL APPRAISAL (Schedule I — Continued)

### Construction of Buildings —

- a. Permanent brick, stone, or high grade frame ( )
- b. Middle-age, slow-burning structure ( )
- c. Old substandard structure ( )

### Building Architecture —

- a. Contemporary and well-designed ( )
- b. Modest design but efficient layout ( )
- c. Poor and inefficient for recreation use ( )

### Sanitary Facilities —

- a. Modern fixtures, sanitary walls and floors ( )
- b. Sanitary but incomplete and inadequate ( )
- c. Poor and unsanitary ( )

### Power and Lighting —

- a. High illumination and ample power outlets ( )
- b. Modest lighting and safe power outlets ( )
- c. Poor illumination and questionable load safety ( )

### Heating and Ventilation —

- a. Efficient heat — ample ventilation ( )
- b. Sufficient heat — improved ventilation ( )
- c. Inadequate or unsafe heat — no ventilation ( )

### Walls and Floors —

- a. Modern, sanitary, with durable and attractive finish ( )
- b. Safe, sound, and practical materials ( )
- c. Old and substandard ( )

### Entrance and Exits —

- a. Inviting, sound structurally, and ample in number ( )
- b. Ample number and adequate size ( )
- c. Inadequate and poorly located ( )

### Administrative, Maintenance, and Storage Provisions —

- a. All provisions — ample and efficient ( )
- b. Incomplete but highly serviceable ( )
- c. Inadequate and poorly located ( )

### Equipment, Furnishings, and Fittings —

- a. Ample and efficient provisions for all program potentials ( )
- b. Efficient but somewhat limited provisions ( )
- c. Inadequate, old and worn, or inefficient ( )

## B. OUTDOOR FACILITIES

1. TOTAL ACREAGE OF SITE: \_\_\_\_\_ or if small, site length  
Feet \_\_\_\_\_ Width \_\_\_\_\_ feet.
2. APPROXIMATE SITE USAGE: Percent in landscaping \_\_\_\_\_ %  
Percent in outdoor play \_\_\_\_\_ % Percent undeveloped \_\_\_\_\_ %  
Percent covered by buildings \_\_\_\_\_ % Attach site plan, if  
available.
3. HARD-SURFACE PLAY AREAS: Number of tennis courts \_\_\_\_\_ ;  
Number of other game courts \_\_\_\_\_ ; Total areas of general  
or dual purpose hard-surface area \_\_\_\_\_ square feet.  
Check types of surfacing used: Asphalt ( ) Cement ( ) Turf ( )  
Macadam ( ) Clay ( ) Other

4. **ATHLETIC FIELDS:** Include only outdoor areas IMPROVED for the specific purpose of the game, and within reasonable limits meeting game specifications:
  - a. Baseball Diamonds, number \_\_\_\_\_
  - b. Softball Diamonds, number \_\_\_\_\_
  - c. Football Fields, number \_\_\_\_\_
  - d. Spectator Seating, total capacity of \_\_\_\_\_
    - permanent seating \_\_\_\_\_
    - portable seating \_\_\_\_\_
5. **OUTDOOR SWIMMING POOLS:** Include all pools or basins, increase formula for indoor pools by 35% and supply total capacity:
  - Total capacity \_\_\_\_\_
6. **SPRAY OR WADING POOLS:** Judge capacity on rough estimate:
  - Total capacity \_\_\_\_\_
  - Water Treatment: Yes ( ) No ( )
7. **APPARATUS AREAS OR PLAYGROUNDS:** Check to indicate separate areas for pre-school children ( ) for older children ( ) for boys ( ) and for girls ( ).
  - Number of Items \_\_\_\_\_
  - Apparatus \_\_\_\_\_
8. **STADIA, AMPHITHEATRE, BAND-SHELLS,** or similar outdoor seating facilities. Indicate approximate capacities.
9. **PICNIC GROVES,** areas with benches, fireplaces, toilets, drinking water, and similar conveniences for picnic groups:
  - Approximate Acreage \_\_\_\_\_ Estimated Capacity \_\_\_\_\_
10. **AQUATIC FACILITIES,** includes beaches, boating facilities and the like.
  - Estimated Beach Capacity \_\_\_\_\_ Capacity of Small-Craft Moorage \_\_\_\_\_
  - Capacity of Large-Craft Moorage \_\_\_\_\_ Dressing Room Facilities \_\_\_\_\_
  - Other Aquatic Facilities \_\_\_\_\_
- B. **OUTDOOR FACILITIES (Continued)**
11. **ICE SKATING RINKS AND WINTER SPORTS FEATURES:**
  - Area of Free-Skating Rink \_\_\_\_\_ Check if Artificial ( )
  - Area of Figure Skating Rink \_\_\_\_\_ ( )
  - Number of Hockey Rinks (with Boards) \_\_\_\_\_ ( )
  - Ski Slide, height \_\_\_\_\_ ( )
  - Rough Capacity of Shelters \_\_\_\_\_ Heated \_\_\_\_\_ ( )
12. **OTHER SPECIAL FACILITIES:**

## STRUCTURAL APPRAISAL OF OUTDOOR FACILITIES

### Site Plan —

- a. Good location, design in good balance in diversity and use of space ( )
- b. Location "off-center" but ample design of site ( )
- c. Poor location, poor design ( )

### Landscaping —

- a. Overall attractive, efficient design ( )
- b. Design lacking, but ample well-maintained features ( )
- c. No apparent effort to landscape the site ( )

### Surfacing —

- a. Appropriate provisions of turf, stabilized soil, and hard-surface all well maintained ( )
- b. Effective use of native soils and/or local materials ( )
- c. Inadequate provision for surfacing ( )

**Fencing —**

- a. Liberal use of fencing in a well-designed and appropriate manner ( )
- b. Inadequate fencing, or poorly designed use of fence ( )
- c. No provisions ( )

**Equipment —**

- a. Liberal provision of well-placed equipment ( )
- b. Poor selection of equipment or inadequate layout ( )
- c. Inadequate provisions ( )

**Outdoor Lighting, Plumbing, and Drainage —**

- a. Effective provisions well planned and engineered ( )
- b. Improvised but practical and effective provisions ( )
- c. Inadequate provisions ( )

**C. GENERAL MAINTENANCE OF FACILITIES**

Evaluate roughly the relative merit of maintenance of facilities by checking the appropriate spaces from "one" to "five."

ONE ( ) TWO ( ) THREE ( ) FOUR ( ) FIVE ( )

Cleanliness

Repair

Paint and Decor

Sanitation

Safety

Trash Disposal

Landscaping

Fire Prevention

Public Convenience

Furnishings

**D. OPERATION POLICY OF FACILITIES**

1. The above facilities are presently being used for general community and/or public recreation use: Yes \_\_\_\_ No \_\_\_\_ (Check)
2. The facilities are available to various groups paying rental, small service charge, or by securing formal permission: Yes \_\_\_\_ No \_\_\_\_.
3. The facilities are restricted to the use of membership or other defined constituencies: Yes \_\_\_\_ No \_\_\_\_.
4. The facilities are not available for recreation purposes: \_\_\_\_\_
5. Date of last major improvement: \_\_\_\_\_  
Data Assembled By \_\_\_\_\_  
Date \_\_\_\_\_

**FACILITY SCORING**

Indoor Facilities Score \_\_\_\_\_

Outdoor Facilities Score \_\_\_\_\_

Maintenance Scoring \_\_\_\_\_

Structural Appraisal — Indoors \_\_\_\_\_

Structural Appraisal — Outdoors \_\_\_\_\_

COMPOSITE FACILITY SCORE \_\_\_\_\_

## APPENDIX C

## PART I

13. Indicate any other five (5) general year-round recreation activities you would want for your children conducted in your District.

1. \_\_\_\_\_ 4. \_\_\_\_\_  
 2. \_\_\_\_\_ 5. \_\_\_\_\_  
 3. \_\_\_\_\_

14. List five (5) activities you think should be added to the District for your entire family. (For example, picnic area, playfield, and the like.)

### SECTION B

Check in the left-hand column the activities listed below in which you now participate. If you participate in these activities "in town," place a check in the "in-town" column. The terms, "in-town" and "out-of-town" are construed to mean the territorial boundaries of your District. Leave the space *following* the name of the activity blank.

### ARTS AND CRAFTS

**In-Town**    **Out-of-Town**

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Basketry  
 Cooking  
 Dyeing  
 Leather Work  
 Metal Work  
 Mobiles  
 Millinery  
 Modeling  
 Painting

**In-Town**    **Out-of-Town**

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Pottery  
 Paper Crafts  
 Woodwork  
 Ceramics  
 Quilting  
 Sewing  
 Weaving  
 Plastic Crafts  
 Copper Work

Others: \_\_\_\_\_

### MUSIC

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Singing  
 Instrumental  
 Records  
 Orchestra  
 Recitals

Do you play a musical instrument? Yes \_\_\_\_\_ No \_\_\_\_\_ (check)

### DRAMATICS

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Charades  
 Story-telling  
 Marionettes  
 Others: (List)  
 Skits  
 Stage Craft  
 Plays



## SPORTS AND ATHLETICS

In-Town	Out-of-Town
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

- Archery
- Basketball
- Canoeing
- Fencing
- Football
- Touch Football
- Bowling
- Riflery
- Water Polo
- Tether Ball
- Table Tennis

In-Town	Out-of-Town
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

- Golf
- Gymnastics
- Handball
- Horseshoes
- Roller Skating
- Shuffleboard
- Skeet Shooting
- Volleyball
- Soccer
- Swimming
- Other:

## DANCING

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

- Ballet
- Folk
- Tap
- Character
- Social
- Square Dance Calling
- Interpretive
- Dance Committees
- Others: (List)

## HOBBIES

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

- Model Railroadng
- Tropical Fish
- China Collecting
- Model Airplanes
- Stamp Collecting
- Coin Collecting
- Photography
- Figurine Collecting
- Model Cars
- Whittling
- Soap Sculpture
- Doll Collecting
- Fly Tying
- Textile Painting

_____	_____	Indoor Gardening
_____	_____	Toy Making
_____	_____	Story Telling
_____	_____	Others: (List)

### SPECIAL EVENTS

_____	_____	Clubs
_____	_____	Hobby Shows
_____	_____	Style Shows
_____	_____	Literary Clubs
_____	_____	Speech Clubs
_____	_____	Bingo
_____	_____	Dances
_____	_____	Social Games
_____	_____	Dog Shows
_____	_____	Others: (List)
_____	_____	Flower Shows
_____	_____	Holiday Celebrations
_____	_____	Foreign Country Study
_____	_____	Debating
_____	_____	Language Study
_____	_____	Picnics
_____	_____	Bridge Parties
_____	_____	Banquets
_____	_____	Photo Club

NOW GO THROUGH SECTION B, THE ABOVE LIST OF ACTIVITIES THE SECOND TIME, AND PLACE A CHECK MARK *AFTER* THOSE ACTIVITIES YOU WOULD PARTICIPATE IN IF FACILITIES AND LEADERSHIP WERE FURNISHED IN YOUR DISTRICT.

### SECTION C

Place a check mark in front of those amusements listed below which you attend *now*. Indicate in the space provided after the activities your first five (5) choices you think should be provided. Please indicate your choices with numbers.

_____	Athletic Events	_____
_____	Symphony Concerts	_____
_____	Orchestra Presentations	_____
_____	Dances	_____
_____	Local Plays	_____
_____	Organizational Club Meetings	_____

### PART II

(Children Over Nine Years of Age Fill in This Part)

1. Do you belong to a club or group now? Yes \_\_\_\_\_ No \_\_\_\_\_. If so, what is the name of this club? \_\_\_\_\_
2. Is this club in your District? Yes \_\_\_\_\_ No \_\_\_\_\_. Is this club for boys? or is this club for girls? \_\_\_\_\_. Or, is this club for both boys and girls? Yes \_\_\_\_\_ No \_\_\_\_\_.

3. List the play or free-time activities you take part in now. For example, if you bowl in a nearby town, write "bowling" in the "out-of-town" column. If you "swim" in your District, write "swim" in the "in-town" column.

**In-Town Activities**

**Out-of-Town Activities**

- |          |          |
|----------|----------|
| 1. _____ | 1. _____ |
| 2. _____ | 2. _____ |
| 3. _____ | 3. _____ |
| 4. _____ | 4. _____ |
| 5. _____ | 5. _____ |

4. List the recreation activities you would like to see added to the District in which you live on a year-round basis. (This means sports, music, drama, and others.)

- |          |          |
|----------|----------|
| 1. _____ | 5. _____ |
| 2. _____ | 6. _____ |
| 3. _____ | 7. _____ |
| 4. _____ | 8. _____ |

5. Do you have a hobby now? Yes \_\_\_\_ No \_\_\_\_ . What is it? \_\_\_\_\_
6. What did you do last summer for playground activities? \_\_\_\_\_
7. If you did not participate in playground activities, what did you do last summer?

Went to camp _____	Loafed _____
Helped at home _____	Traveled _____
Visited out of town _____	Others: (List) _____
Attended school _____	_____

8. Have you ever participated in a playground program where there was a regular play leader? Yes \_\_\_\_ No \_\_\_\_ .
9. Would you like to see playground leaders on the playground to help you with your activities? Yes \_\_\_\_ No \_\_\_\_ .
10. What are your five (5) favorite playground activities from past years?
- |          |
|----------|
| 1. _____ |
| 2. _____ |
| 3. _____ |
| 4. _____ |
| 5. _____ |
11. The below space is reserved for any comments you wish to make.

## APPENDIX D

### Model Personnel Grievance By-Law<sup>1</sup>

Introductory Note: This Appendix D presents a model personnel grievance by-law, or personnel relations review by-law, authorized by Section 21B of Chapter 40 of the General Laws of the Commonwealth of Massachusetts. The by-law largely follows the terminology of the personnel grievance by-law in effect in town of Brookline, one of the few communities which has acted under Section 21B aforesaid. Appendix D follows the same use of section number suffixes, and brackets, employed in the HANDBOOK FOR MASSACHUSETTS MUNICIPAL PERSONNEL BOARDS.

This Appendix omits the many different methods which may be followed in appointing the members of a Personnel Relations Review Board, fixing the number of such members, and determining their terms of office. The reader is referred to the Handbook mentioned above for suggested alternatives.

#### BY-LAW PROVISIONS

##### Section 1.01A. PERSONNEL RELATIONS REVIEW BOARD.

There is hereby established a Personnel Relations Review Board, which shall have the powers and duties, and perform the functions, authorized by Section 21B of Chapter 40 of the General Laws, and which shall be subject to the limitations imposed by said Section 21B and by the By-Laws of the Town.

The Personnel Relations Review Board shall consist of . . . . . (The number of members, method of their appointment, and terms of office, desired, on basis of the model personnel by-law appearing in Appendix E.)

The Personnel Relations Review Board may employ such clerical and other assistance, and make such expenditures as it deems necessary, subject to appropriations therefor. The Board shall make an annual report to the Town, and shall keep records of its proceedings; but such records shall not be open to public inspection except as may otherwise be required by state law. It shall not have jurisdiction over any matter belonging in the jurisdiction of the Personnel Board.

##### Section 1.01B. PERSONNEL BOARD TO ADMINISTER.

The Personnel Board of the Town shall constitute the Personnel Relations Review Board of the Town, and in that connection shall have the powers and duties, and perform the functions, assigned to such Personnel Relations Review Boards by Section 21B of Chapter 40 of the General Laws; and said Board shall, in the performance of its duties as Personnel Relations Review Board, be subject to the limitations imposed by said Section 21B and by the by-laws of the Town.

When sitting as a Personnel Relations Review Board, the Personnel Board shall keep a separate record of its proceedings, which shall not be open to public inspection except as may otherwise be required by law.

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<sup>1</sup> Bureau of Government Research. *Handbook for Massachusetts Municipal Personnel Boards*. University of Massachusetts, Amherst. 1958. p. 65-66.

## **Section 1.02. GRIEVANCE PROCEDURE.**

There shall be a grievance procedure available to those employees of the town whose rights under the classification plan have, in their opinion, been prejudiced in any way and covering all other grievances except those that would properly be under the jurisdiction of the Civil Service Commission or other duly established appeal board. As used in this section, the word "grievance" shall be construed to mean dispute between an employee and his supervisors arising out of an exercise of administrative discretion by such supervisor or supervisors.

**STEP I.** The employee shall take up his grievances orally with his immediate supervisor who shall reach a decision and communicate it orally to the employee within two (2) working days.

**STEP II.** If the grievance is not settled at Step I, the employee shall within five (5) working days present his grievance in writing to his supervisor who shall forward it to the department head who shall hold a hearing within five (5) days if required. At this hearing there shall be present the employee and one representative if he requests it, his supervisor, the department head and the chairman of the Personnel (Board) (Department) or (Relations Review Board).

**STEP IIA.** If the grievance is not settled at Step II, in those cases where the department involved is under the jurisdiction of a Board or Commission, Step II shall be reviewed before said Board or Commission with the same group in attendance.

**STEP III.** If the grievance is not settled at Step II or Step IIA, all records and facts in the case shall be referred to the Grievance Review Board for adjudication. Those present at Step II or Step IIA shall appear at this hearing. Within twenty (20) working days of the hearing, which shall be the next regular meeting of the board except in cases of emergency, the employee shall be notified in writing through the department head as to the decision of the board which will be final.

# APPENDIX E

## Personnel Practices for Recreation Departments and Agencies<sup>1</sup>

### INTRODUCTION

To the employer, good personnel practices are an integral part of an orderly plan of personnel relations which help to attract, hold, and develop capable and productive personnel. To the employee, good personnel practices define the job and provide fair and equitable payment for services performed, reasonable security, acceptable working conditions, opportunities for development and advancement, and protection from common adversities.

Good employees are essential to efficient operation and production. A satisfied employee adds to production efficiency. A person's job, his employer, his family, his community, his profession, and society in general are related one with another and affect the employee's efficiency in varying ways. They are factors to consider in determining policy. Every employee is first a human being; like his employer, he expects to give and to receive.

Experience indicates that results are better when there are sound written policies and practices to go by which take into consideration all the main factors involved, from the points of view of both the employer and the employee, in the spirit of harmony and team work. Employment is, in effect, a contract, whether verbal or written. Where there is no written or legally adopted plan, misunderstandings, lost motion, and confusion tend to develop. A written plan understood by all tends to promote efficiency and harmony.

These recommendations are based on the stronger points of successful plans which have been tested by satisfactory experiences and on the general premise that good personnel practices are for the mutual benefit of the employer and the employee and, in turn, the user of the services — the citizen.

The principal elements which enter into a sound personnel system are:

1. A central personnel service staffed by a trained, capable, impartial, technical staff or, as a minimum, by a responsible individual.
2. A plan for classifying all positions (titles) according to duties and responsibilities, which will serve as a framework for selection of employees, for pay, and for delineation of the over-all

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<sup>1</sup> American Recreation Society. *Personnel Practices for Recreation Departments and Agencies*. Washington, D. C. 1959. pp. 10.

administrative organization and relationships. The plan should provide for grouping of similar positions so that decisions can be made on the basis of factors relating to function rather than personalities.

3. A salary plan which is equitable and fair to all, which is adequate for the recruitment and retention of competent personnel, and which will furnish incentives for superior performance as well as provisions for adjusting salaries in relation to fluctuating economic conditions in the area.

4. An aggressive program designed to attract capable people to the service and a sound program of competitive examinations for selecting those best suited to the particular jobs, including a probationary period of employment.

5. Uniform rules governing recruiting, examinations, eligibility lists, certifications, leaves of absence, vacations, hours of work, compensation in case of injury, sick leaves, emergencies, and other adversities.

6. A well-defined policy with respect to discipline and separation from the service which recognizes both the necessity of maintaining high standards of performance and conduct and the right of employees to protection from bias, favoritism, political activity, and injustice. Such a policy should include means to appeal to an impartial body.

7. A good work environment, understanding supervision, comfortable working conditions conducive to harmonious human relations and efficiency.

8. Recognition that training, evaluation, and employee development are fundamental management responsibilities. This recognition should lead to opportunities for career development, with careful plans for placement, promotion, and transfer, based on preparation, ability, and performance in accordance with the needs of the service and the individual's capabilities.

9. An adequate retirement plan effective when productive efficiency is reduced by advancing age or disability.

## **EMPLOYMENT**

The importance and value of the services rendered by the public department or agency require high standards of employment and commensurate pay that will attract and maintain an adequate organization of capable and qualified personnel. Recreation, like other human services, requires personnel trained in the skills they are expected to use. Only appropriately certified recreation personnel should be employed in leadership, supervisory, or administrative positions. Each such job should be filled on a merit basis by selection of the most highly qualified individual obtainable for the inducements offered. Applicants should be evaluated according to educational qualifications, experience, aptitudes, examinations of knowledge or of performance, or of both. Job specifications for each class and position should be written in clear, concise, and understandable form. Such specifications are actually a general contract of employment.

In many instances, fingerprinting of employees at the time of employment proves of benefit to employer and employee. Where facilities are available, it is suggested that fingerprinting be done at the time of employment and that the police record be investigated. A physical examination is often required.

The probationary employment period is one of the last and very important phases of examination. This trial period gives both the employee and the employer an opportunity to see whether or not the employment will be of mutual interest and benefit. The period of probation is usually three to six months. Under unusual circumstances, the probationary period may be extended, but the employee should be advised in writing of this action. No probationary period should extend beyond twelve months. During this period there should be emphasis on orientation to the job and interpretation of responsibilities, procedures, rules, regulations, and laws, and on peculiarities and trouble spots and how to overcome them.

### LEAVES OF ABSENCE

A public department or agency should have a fair and reasonable leave policy based on acceptable leave practices in the community and profession to aid in attracting and retaining capable employees.

Some leaves of absence are granted with pay and some without pay. When the benefits of the leave accrue to the employer, the leave is generally given with pay; when they accrue largely to the interests of the employee, it is generally without pay.

All requests and approvals or rejections for leaves of absence, with or without pay, should be made in writing, usually on forms provided for that purpose, in advance of the beginning date, where possible. Sick leave or other emergency leave requests should ordinarily be made by telephone and confirmed in writing as soon as possible.

Leaves with pay include vacation, holiday, sick leave, injury leave, death leave, civil leave, compensatory leave, and, in certain instances, education and military leave. Leaves without pay include suspension, unauthorized leaves of absence, and, in certain instances, educational and military leave. Employees on leave and not in pay status while on leave of absence, his absence from duty does not constitute a break of service unless it is specifically so stated.

#### VACATION LEAVE (WITH PAY)

Vacations are earned and are based on length of continuous service. Their primary purpose is to provide an opportunity for rest and relaxation, so that the employee can return to work refreshed. They may also be used for personal reasons. Vacations should be taken annually in order to accomplish the desired objective. Vacation policies should apply to all permanent personnel alike but do not generally apply to seasonal, part-time, or temporary employees who



are not dependent upon the employment for their main source of livelihood. Vacation leave is usually earned at the following rates:

Employees with less than 5 years of service — 1 working day per month.

Employees with between 5 and 10 years of service —  $1\frac{1}{4}$  working days per month.

Employees with more than 10 years of service —  $1\frac{1}{2}$  working days per month.

Vacations are not allowed until the probationary period is completed. Each employee is expected to use his vacation time annually. Vacation time may be accumulated up to that amount which the employee could earn in 24 months. An employee ceases to earn vacation time after his maximum accumulation has been reached until he uses some of it.

When an employee requests vacation leave, the employer should make every effort to grant it. However, the needs of the job and service take precedence. Only as much vacation leave as has been earned can be granted, and it cannot be used in advance. When a paid holiday occurs during a vacation period, it is not counted as a day of vacation.

If an employee becomes ill or injured on vacation, the absence will be charged to the amount of vacation time previously approved. If the disability should extend beyond the approved vacation period, that part which falls in work status time may be charged against unused earned sick leave.

At the end of probationary employment periods, permanent employees will be given credit for vacation leave earned during their probation. Probationary periods extended beyond six months will not affect earned vacation time.

If an agency desires to give part-time permanent employees vacation benefits, they should be granted on the same basis (prorated) as that which applies to other permanent employees.

Employees hired on a temporary basis for a specific job or for a specific length of time which is less than twelve calendar months do not earn vacation benefits. However, if appointment to a temporary position is followed without a break in service by appointment to a permanent position, vacation benefits accrue as though the initial appointment has been permanent.

Since vacation time is earned, an employee whose employment after twelve months is terminated for any cause will be paid for his unused vacation leave, figured on completed months of service. Vacation leave does not accrue during months when employee is not in pay status such as suspension, leave of absence, and the like.

## HOLIDAY LEAVE (WITH PAY)

Certain days of the year are designated as holidays. Most employment plans list specifically the days to be observed as holidays. They may vary in the different sections of the country, but usually include the common holidays plus some state, special, or local days. Generally recognized are:

- New Year's Day (January 1)
- Memorial Day (May 30)
- Independence Day (July 4)
- Labor Day (First Monday in September)
- Christmas Day (December 25)

Other days sometimes included on the list of holidays are:

- Lincoln's Birthday (February 12)
- Washington's Birthday (February 22)
- Easter Monday or Good Friday
- Columbus Day (October 12)
- Veteran's Day (November 11)
- Christmas Eve (1½ day — December 24)

Holidays so designated in the pay plan or other official action by the policy-making board of the agencies are considered nonwork days, but when pay schedules are set up, the employee receives pay for those days as if he had worked. If the job requires an employee to work on a designated holiday, he is paid extra for time worked on the holiday at a rate equal to or greater than his regular rate of pay, or is given equivalent (compensatory) time off. Often compensatory time off is allowed at the time of vacation leave.

If a holiday falls on Sunday, the following Monday is observed as a holiday. If a holiday falls on a nonwork day, the employees affected are given equivalent time off (compensatory) at some other time convenient both to the employer and the employee. The reason is that the typical pay plan provides for a certain number of holidays. In order to treat all employees alike, holidays are allowed even if they fall on days which are nonwork days for some employees. New employees may not be employed to begin pay status on a holiday unless they actually perform work on that day. No employee is paid a holiday unless he was in pay status on the working day immediately preceding the holiday. Persons AWOL the work day before the holiday are not paid for the holiday. Persons on approved leave, however, are paid.

Holidays that occur during approved leave with pay are not charged as days of such leave. Holidays that occur during leave without pay are charged as a part of such leave. Unused compensatory time accrued as the result of working on a holiday is paid for at the time of separation.

## SICK LEAVE

Sick leave adds security and helps protect the employee against loss of salary when he is incapacitated by illness. It is a privilege to be used only when one is stricken with illness.

Sick leave benefits accrue, generally, at the rate of one day per completed month of unbroken service in pay status and may be accumulated to a total not to exceed ninety working days at any one time. Persons having a break in pay status and absent without pay (AWOL, suspension) for a day or more during a calendar month do not accrue sick leave for the month. Maternity leave is not chargeable to sick leave.

An employer may at any time require reasonable proof of illness, including a statement from the attending physician. Where proof of illness is requested and not provided, the leave will not be charged to sick leave, but, at the discretion of the employer, may be charged as vacation leave or leave without pay. The employee must be informed of the action taken.

Sick leave privileges apply to all regular employees (permanent, part-time, temporary, seasonal) alike, figured on completed months of service. Changes in pay status (promotion, demotion, transfer) do not affect the sick leave record.

Sick leave may not be granted in advance. Unused sick leave is canceled when the employee separates from the service and is not translated into pay.

Approved leaves of absence for periods less than one year, such as educational leaves and maternity leaves, are not considered separation, and any accumulated sick leave will be restored if the employee returns to pay status immediately upon expiration of the approved leave period. Sick leave privileges accrue only when the employee is in pay status.

(Sick leave should not be confused with injury leave.)

#### **EXTRAORDINARY SICK LEAVE**

Under very unusual circumstances, such as extended illness, when an employee has exhausted all his sick leave and all his vacation leave, he may be granted extra sick leave when the facts indicate that such action will be to the mutual benefit of employer and employee. This is a privilege to be used only rarely, as in the case of a prolonged illness, when a deserving employee needs a few more days to recover completely and it is to the agency's interest to grant the extraordinary leave. Administrative action for granting extraordinary leave is ordinarily taken at a higher level than that of granting standard leaves.

Only regular permanent employees who have completed more than one year of satisfactory service and who have exhausted all their sick leave and all their vacation leave are eligible for extraordinary sick leave. Temporary and seasonal employees are not eligible.

Extraordinary sick leave may be granted not to exceed one-half work day each month of satisfactory service completed during an employee's total period of service. Once extraordinary sick leave is used for any completed month of service, it cannot be given again for that month.

## **INJURY LEAVE**

Injury leave is granted to protect an employee against loss of salary if he has sustained an injury in the performance of his job. Every employee is eligible for injury leave when the medical examiner or physician determines that the employee should remain off duty because of the seriousness of the injury. Injuries sustained off duty and not in the performance of official duty cannot be charged as injury leave. If they are serious enough to take the employee out of work status, time lost is charged against sick or vacation leave.

When the medical examiner determines that the injury sustained in line of duty causes the employee to be permanently incapacitated mentally or physically, the employee is placed on disability retirement, if such a plan exists.

The agency should stand all medical and hospital costs necessitated by the injury and must conform to Workmen's Compensation Laws where death, total disability, or partial disability is involved.

## **EMERGENCY LEAVE — DEATH IN FAMILY**

When there is a death in an employee's immediate family, emergency leave with pay may be granted not to exceed three working days. This provision applies to all employees alike.

The immediate family includes the employee's or his spouse's mother, father, wife, husband, child, sister, brother, or other relative living in the household at the time. Death leave is not granted except for the persons listed here. If more than three working days are taken or if time off is desired upon the deaths of persons other than those listed here, the time may be charged as vacation leave, unused compensatory time, or leave without pay.

Leave of less than one-half day may be granted an employee to serve as a pallbearer or to attend a funeral.

## **CIVIL LEAVE**

Recreation employees usually are expected to take an active civic and community interest in community affairs. Occasionally, employees are obliged to be away from the job on civil leave; for example, to serve on jury or to serve as a witness under subpoena (not for personal reasons). Under such circumstances, when no witness fee is involved, civil leave may be granted with pay. If a fee is paid, the leave is charged to vacation leave or leave without pay.

An employee involved in court for personal reasons is not eligible for civil leave.

## **EDUCATIONAL LEAVE**

Educational leaves of absences with pay may be granted in exceptional circumstances for periods of time up to a year when the specialized training desired is not ordinarily available otherwise and when this training is of benefit to the agency and not of sole benefit to the employee. The agency may pay all or part of the expenses.

Educational leave without pay may be granted to enable an individual to pursue a course of study to increase his usefulness to the agency or to prepare for a special assignment. Usually, the employee benefits because of better pay.

The agency may require a signed agreement with the employee in which he contracts to continue with the agency for x number of months after he has completed the leave — often twice the length of period of the educational leave.

Conferences and meetings are excellent sources for new ideas, broadened views, and development. Where the public department or agency benefits, attendance is at the expense of the agency. Professional employees should be encouraged to belong to and participate in the activities of their respective professional organizations. At least the policy-making staff members of an agency should attend technical conferences with pay and at agency expense. Attendance at training meetings, short institutes, and professional meetings is in pay status. Expenses may or may not be paid by the agency, depending on the degree of benefits to the agency. Often the agency pays travel and registration.

#### **OTHER LEAVES OF ABSENCES**

Military leave without pay is provided in accordance with state and federal laws to employees who become members of the Armed Forces of the United States.

Military Leave with pay not to exceed fifteen calendar days in any calendar year, may be granted regular permanent employees (not temporary or seasonal) who are required to receive military training other than the regular drill periods. No leave with pay is granted to attend drill. Adjustments are made in schedules where feasible.

When it is necessary for an employee to be off duty for personal reasons and the situation is not covered by other leaves, the agency may grant "leave without pay" for short periods of time.

Absence without leave (AWOL) is unauthorized leave and calls for disciplinary action.

Religious holidays, except those listed under "Holiday Leave," are in work status, and no leave is provided for them.

#### **RETIREMENT**

Every agency should have a sound retirement plan to which both the employer and the employee contribute. It may be entirely an agency plan, part of a national plan, or a combination plan with social security. The retirement plan should provide for service retirement, disability retirement, and death benefits. All permanent employees are required to participate in the retirement plan. The normal retirement is 65 (voluntary); retirement is usually compulsory at age 70.

If an employee who has been retired for physical disability becomes able to work again, his name should be given high priority for re-employment.

## **OTHER PRACTICES**

### **EMERGENCY WORK**

Occasionally, in order to protect life and property and to provide an essential service at odd times, employees must work overtime. In such a case, administrative personnel may be given equivalent time off (compensatory) at some other time. Other workers should be paid at the overtime rate provided, usually time and one-half, plus meals.

### **LEGAL AID**

If an employee has legal action taken against him because of activity occurring in line of his normal, official, and assigned duties, the agency is expected to provide legal aid. This provision does not include personal violations and nonconforming practices on the part of the employee.

### **TRANSPORTATION**

Where work assignments require travel, the agency should determine the method and assume the costs. The employee should be reimbursed for out-of-pocket costs for public transportation or should be paid on a mileage basis or given an allowance for the use of his personal car while he is on assigned agency business.

### **CLOTHING**

If a uniform, special clothing or safety clothing is required, it should be provided by the agency. Where benefits accrue to the agency, it should bear the costs. Where benefits accrue to both the agency and the employee, they may share the costs. Where the clothing is worn off duty as well as on duty and benefits mainly the employee, the agency may arrange to make the clothing available to the employee, usually at reduced costs.

### **HOUSING, MEALS, LAUNDRY, AND THE LIKE**

Sometimes, because of the nature of a particular job, housing, meals, laundry, and other services are provided an employee and his dependents. Monetary values should be placed upon such services and the amounts should be deducted from the compensation of the employee. This practice provides for equal treatment of all employees and conforms to income tax requirements.

### **DISCIPLINARY ACTION**

The agency should act with integrity and justice towards an employee, recognizing his individuality and his right to fair, equitable, and understanding supervision. Above all, the supervisor must let the employee know just what his job is, what is expected of him, and what rules he is expected to follow. Then each employee is expected to comply with instructions, with established policies, procedures, rules, and regulations, with accepted standards of personal conduct, and with the code of professional ethics.

If any employee's performance of duties or personal conduct is unsatisfactory because of neglect or failure to comply with these requirements, then appropriate disciplinary action should be taken. Action must be based on the facts of the case rather than on whims, tempers, opinions, emotions, or personal feelings of the supervisor. It should be clear that the employee is at fault. The nature of the act and the circumstances will suggest the degree of severity of penalty, the objective being to correct the situation effectively and maintain productivity. Ways should be found, if possible, to keep the employee in production. Only as a last resort should he be separated from his job or the service.

Common reasons for disciplinary action are:

1. Continued or gross neglect of duty,
2. Incompetence, inefficiency, or unwillingness to perform assigned duties,
3. Absence without leave or continued absenteeism without acceptable reasons,
4. Insubordination, breach of code of ethics,
5. Use of intoxicating beverages while on the job or in a manner that affects the job,
6. Negligent or willful damage to property, waste or theft of supplies or equipment, or
7. Falsification, deliberate misrepresentation, bribery, and illegal acts.

Disciplinary action may range from constructive criticism through reprimand, warning, unsatisfactory service rating, probation, transfer, suspension (up to 60 calendar days), reduction in pay or demotion for cause, to outright dismissal.

All disciplinary actions may be confirmed in writing, but it is recommended especially that all actions as a result of the more serious violations be put in writing and made a part of the employee's permanent file.

#### **A GRIEVANCE PROCEDURE is listed in Appendix D. EVALUATION PLAN (SERVICE RATINGS)**

Every employee is being rated continually and particularly at times of personnel changes, pay increases, or promotions. Service ratings are tools to help supervisors observe and develop the efficiency of their employees. They help the employee understand his job better, what is expected of him and where he needs strengthening. Ratings are usually made soon after initial employment, again at the end of probationary status, and at least annually thereafter. Special ratings may be made at any time. All employees should be rated at least annually.

Ratings are made and recorded on an appropriate form by the immediate supervisor, reviewed by second level supervision, and then discussed with the employee in a friendly but frank manner.

Honest rating is important, but the effectiveness of the evaluation plan depends on helpful counseling and friendly follow-through with the employee. The employees should sign the form, which is made a part of his employment record and thus serve as a guide for training and developing the individual in his job or for preparing him for a better one.

### **PAY PLAN**

Factors relating to pay and the pay-plan were discussed in other sections of the manuscript.



## APPENDIX F

### Licenses and Permits

Licenses, permits, and inspections governed by laws of the Commonwealth of Massachusetts are, for the most part, left to the discretion of local licensing authorities to grant, revoke, or suspend in the best interest of the public. The term, "at their pleasure," as set forth in various statutes acknowledges that the local licensing authority can exercise these powers of discretion.<sup>1</sup>

Of specific interest to the Board of Recreation or the Superintendent of Recreation are the following annotated laws or court cases which surround recreation events, programs, areas, or facilities.

The licensing authorities of a city or town in the Commonwealth may grant, suspend, and revoke licenses for keeping billiard, pool, or sippio tables or bowling alleys for revenue purposes. These facilities or pieces of equipment are licensed for amusement purposes only. The authority has broad discretionary powers in granting or revoking this sort of license.<sup>2</sup> It should be noted that the court has stated that a license is required even though the zoning laws of the city or town permit the facility to operate.<sup>3</sup>

The local licensing authority may also grant, suspend, or revoke a license to keep and operate an automatic device — pinball machine and the like — for revenue, providing the device has been approved by the State Director of Standards and Necessaries of Life. Such a license expires on December 31 of each year. The annual fee for the operation of each device is twenty dollars.<sup>4</sup> Such machines or equipment as described here may not be used for gambling purposes.<sup>5</sup>

Granting of an alcoholic liquor license as provided by law must have been authorized by vote of the inhabitants of the town. Irrespective of the statutory limitation of the number of liquor licenses within the town for the sale of alcoholic beverages, the licensing authority with the approval of the State Commission, may issue a license to a corporation, the members of which are war veterans, to sell beverages to members and their guests. The authority may also prescribe the matter of fees, the hours which beverages may be sold, and the conduct on the premises.<sup>6</sup>

The local authority may grant special licenses for the sale of wines and malt beverages, or either of them, to the responsible manager of any indoor or outdoor activity or enterprise.<sup>7</sup>

<sup>1</sup> Commonwealth v. McGann, 213 Mass. 213, 160 N.E. 355 (1913).

<sup>2</sup> Massachusetts General Laws Annotated, Chapter 140, Section 177.

<sup>3</sup> Marchesi v. Selectmen of Winchester, 312 Mass. 28, 42 N.E. 2d 817 (1942).

<sup>4</sup> Massachusetts General Laws Annotated, Chapter 140, Section 177A.

<sup>5</sup> Commonwealth v. Macomber, 333 Mass. 298, 130 N.E. 2d 545 (1955).

<sup>6</sup> Massachusetts General Laws Annotated, Chapter 138, Section 12.

<sup>7</sup> Massachusetts General Laws Annotated, Chapter 138, Section 14.

The mayor of a city or the selectmen of a town in the Commonwealth may grant licenses for theatrical exhibitions, public shows, public amusements and exhibitions of every description for which an admission or other charge is to be made. Events of this sort are to be held on week-days only. Such licenses and permits may be on such terms and conditions as the authority deems reasonable and may be suspended or revoked at pleasure. This, however, does not apply to the operation of race tracks or meetings designed for racing.<sup>8</sup>

Licenses are required for public dances and dance halls,<sup>9</sup> for merry-go-rounds,<sup>10</sup> for miniature golf courses,<sup>11</sup> and for "lite-a-line" games.<sup>12</sup> A public hearing is not required prior to the granting of a license.

It has been held by the courts that the revocation of a license to operate a drive-in theatre on grounds of public opposition by reasons of endangering morals and increasing traffic hazards in the neighborhood could not be considered capricious. The court refused to set aside the revocation.<sup>13</sup>

The licensing authority of a city or town may license for week-days only the holding of concerts, dances, shows and other entertainment by innholders, common victualers, and proprietors of eating and drinking places. Terms and conditions may be imposed with the license. Licenses may be suspended on written notice or revoked after a hearing. Each license must pertain to a particular location. Violation of the regulations involves a fine not to exceed one thousand dollars or imprisonment for not more than one year, or both.<sup>14</sup>

The licensing authority may grant licenses on such terms as they may prescribe, to hold entertainments on Sundays "in keeping with the character of the day and not inconsistent with its due observance." Annual licenses may be granted for proposed entertainments on Sundays which are solely for the exhibition of motion pictures, for the benefit of patrons in a public dining room, or for the use of television, radio, or musical entertainment provided by mechanical or electrical means. Any license, except one for the showing of motion pictures or for the use of radio or television on Sunday must have prior approval of the State Commissioner of Public Safety and may be suspended, revoked or annulled by the licensing authority after a notice and a hearing.<sup>15</sup>

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<sup>8</sup> Massachusetts General Laws Annotated, Chapter 140, Section 181.

<sup>9</sup> Whitcomb v. Vigeant, 240 Mass. 359, 134 N.E. 241 19. ARL 1439 (1922).

<sup>10</sup> Commonwealth v. Bow, 177 Mass. 347, 58 N.E. 1017 (1901).

<sup>11</sup> Jaffarian v. Somerville Building Inspector, 275 Mass. 267, 175 N.E. 641 A.L.R. 403 (1931).

<sup>12</sup> Commonwealth v. Prince, 327 Mass. 443, 99 N.E. 2d 286 (1951).

<sup>13</sup> Marrone v. City Manager of Worcester, 329 Mass. 378, 108 N.E. 2d 553 (1952).

<sup>14</sup> Massachusetts General Laws Annotated, Chapter 140, Section 183A.

<sup>15</sup> Massachusetts General Laws Annotated, Chapter 136, Section 4.

No license may be effective prior to one o'clock in the afternoon. Licenses may be given for various activities to be carried on after one o'clock on Sundays at amusement parks and beach resorts, and may license Sunday bowling, if the inhabitants have voted in favor of permitting it.<sup>16</sup>

In a city or town accepting the statutory provisions, the city council with the approval of the mayor or selectmen, may license athletic sports and games on Sundays at such playgrounds, parks or other places as designated in the license. No sport or game may be permitted in a place, other than a public playground or park, which is within one thousand feet of a place of worship. Any sports or games may be licensed to be played between the hours of one-thirty and six-thirty p.m. A baseball game scheduled to begin at or before three o'clock p.m. or a game which is the second of a "double-header", the first game of which has been scheduled to begin at or before the hour of two o'clock, may, if started before six-thirty o'clock, be continued so long as necessary to be completed. An indoor hockey or basketball game may be played between one-thirty o'clock p.m. and midnight.<sup>17</sup> The licensing authorities may at any time and without previous notice revoke licenses or permits to conduct sports or games if they have reason to believe the statutory provisions, or any regulation or restriction, have been violated.<sup>18</sup>

In any city or town in which the applicable statutory provisions are effective, amateur sports and games may be conducted on Sundays between the hours of two and six o'clock in the afternoon on playgrounds or parks, or in other places designated in the licenses granted by the city council with the approval of the mayor selectmen. No admission fee may be charged and no collection may be taken at any such sport or game. The licensing authority may revoke permits at any time without notice if they have reason to believe the statutory provisions, or their regulations and restrictions have been violated.<sup>19</sup>

The clerk of a city or town issues licenses and permits and serves as recording officer and custodian of municipal records. He issues among others, sporting, hunting, fishing and trapping licenses, and dog and kennel licenses. He signs and issues licenses granted by the local licensing authority to operators of billiard and pool parlors and bowling alleys, to roller skating rinks and for various outdoor public entertainments.<sup>20</sup> In Boston, the responsibility for signing such licenses is divided among several officials. The licensing board signs licenses for billiard and pool parlors, bowling alleys and picnic groves. The mayor signs licenses for roller skating rinks, carousels, inclined railways, ferris-wheels, and outdoor exhibition of fire fighting.

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<sup>16</sup> Massachusetts General Laws Annotated, Chapter 136, Section 4-A.

<sup>17</sup> Massachusetts General Laws Annotated, Chapter 136, Section 21-25.

<sup>18</sup> Massachusetts General Laws Annotated, Chapter 136, Section 24.

<sup>19</sup> Massachusetts General Laws Annotated, Chapter 136, Section 26-30.

<sup>20</sup> Massachusetts General Laws Annotated, Chapter 140, Section 202.

No person can conduct or operate a recreational camp, overnight camp or cabin, motel or trailer coach park without a license granted by the local board of health, after reasonable notice published once in a local newspaper and a hearing. The license expires each year on December 31 and may be renewed annually on application without notice or hearing.<sup>21</sup> The local board may adopt, alter and amend rules and regulations to enforce the laws relating to such establishments. Regulations of the board of health indicate that it shall be unlawful for a person other than a bona fide employee to remain or live in a tourist camp for more than ninety days in any six months' period were held by the court to be valid.<sup>22</sup> It was pointed out that the regulations tended to prevent permanent occupation of dwelling houses which did not conform to the requirements of the building code.

Each board of health must from time to time inspect such camps, motels, and trailer coach parks as it has licensed and it may, after notice and hearing, suspend or revoke the license of any one of them which it finds to be in an unsanitary condition.<sup>23</sup>

## **FEDERAL TAX ON ADMISSIONS**

The following are excerpts from various Federal forms related to the exemption from collecting federal taxes on various events.<sup>24</sup>

### **Application For Exemption from Collection of Federal Tax on Admissions INSTRUCTIONS**

#### **1. WHO SHOULD FILE**

This application must be made by and in the name of the organization or individual conducting the affair and in control of the admissions with respect to which exemption is desired.

The application must be signed by such individual or his duly authorized agent, or by an officer or duly authorized agent of such organization.

The CERTIFICATE OF BENEFICIARY ORGANIZATION must be signed by an officer or duly authorized agent of such beneficiary organization.

#### **2. WHERE TO FILE**

Application must be submitted to the Director of Internal Revenue for the district in which is located the place to which such admissions are valid.

#### **3. WHEN TO FILE**

The application should be submitted to such Director as early as possible so that proper and adequate consideration may be given thereto and the applicant for exemption advised in ample time of the action taken by the Director.

<sup>21</sup> Massachusetts General Laws Annotated, Chapter 140, Section 32B.

<sup>22</sup> Gillam v. Board of Health of Saugus, 327 Mass. 621, 100 N.E. 2d 687 (1951).

<sup>23</sup> Massachusetts General Laws Annotated, Chapter 140, Section 32-C.

<sup>24</sup> United States Treasury Department, Form 755, "Application for Exemption from Collection of Federal Tax on Admissions." Revised January, 1953.

#### 4. SUPPORTING STATEMENTS

The application should be accompanied by a statement of the purposes and actual activities of the beneficiary organization, a statement of its receipts and disbursements for the most recent accounting period, and copies of its constitution, by-laws or rules and regulations need not be furnished, however,

(a) if such copies were furnished to the Director in connection with a recent application for exemption from collection of admissions tax, and the date of such application is included in the first statement called for in this paragraph, or

(b) if exemption from Federal Income Tax has been granted the beneficiary organization under Section 101 (6) of the Internal Revenue Code, and the date of the Internal Revenue ruling is included in the first statement called for in this paragraph.

After examination of the application and the supporting documents, the Director will issue the certificate as to the allowance or disallowance of such exemption.

#### FEDERAL RULING ON TAX EXEMPTION<sup>25</sup>

No tax shall be levied under the Internal Revenue Code, Section 1701 in respect of (a) certain religious, educational, or charitable entertainments and the like.

(1) In general — except as provided in paragraph (2), any admissions, all the proceeds of which accrue —

(a) exclusively to the benefit of —

(i) a church or a convention or association of churches;

(ii) an educational institution which is exempt under Section 101 (6) or which is an education institution of a government or political subdivision thereof, if such organization normally maintains a regular facility and curriculum and normally has a regularly organized body of pupils or students in attendance at the place where educational activities are regularly carried on;

(iii) a corporation or any community chest, fund, or foundation organized and operated exclusively for charitable purposes, exempt under Section 101 (6), if such corporation or organization is supported, in whole or in part, by funds contributed by the United States, or any State or political subdivision thereof, or is primarily supported by contributions from the general public;

(iv) a society or organization conducted for the sole purpose of maintaining symphony orchestras or operas and receiving substantial support from voluntary contributions;

(v) an organization (organized prior to October 1, 1951) which is exempt under Section 101 (6) and which is operated for the purpose of conducting an annual chautauqua program of educational, cultural, and religious activities at a permanent location — if not part of the net earnings thereof accrues to the benefit of any private stockholder or individual;

(b) exclusively to the benefit of National Guard organizations, Reserve Officer's associations or organizations, posts or organizations or war veterans, or auxiliary units or societies of any such posts or

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<sup>25</sup> United States Treasury Department, Internal Revenue Code, Section 1701.

organizations, if such posts, organizations, units, or societies are organized in the United States or any of its possessions, and if no part of their net earnings inures to the benefit of any private stockholder or individual; or

(c) exclusively to the benefit of a police or fire department of any city, town, village, or any municipality or exclusively to a retirement, pension, or disability fund for the sole benefit of members of such a police or fire department or to a fund for the heirs of such members.

(2) **Nonexempt Admissions.** The exemption provided under paragraph (1) shall not apply in the case of admission to

A. (a) any athletic game or exhibition unless the proceeds inure exclusively to the benefit of an elementary or secondary school or unless in the case of an athletic game between two elementary or secondary schools, the entire gross proceeds from such game inure to the benefit of a hospital for crippled children.

(b) Wrestling matches, prize fights, or boxing, sparring, or other pugilistic matches or exhibitions,

(c) carnivals, rodeos, or circuses in which any professional performer or operator participated for compensation, or

(d) any motion picture exhibition.

B. **Agricultural Fairs.** Any admissions to agricultural fairs if no part of the net earnings thereof inures to the benefit of any stockholders or members of the association conducting the same — if the proceeds therefrom are used exclusively for the improvement, maintenance, and operation of such agricultural fairs; or

C. **Certain Concerts.** Any admissions to concerts conducted by a civic or community membership association if no part of the net earnings thereof inures to the benefit of any stockholders or members of such associations; or

D. **Municipal Swimming Pools and the like.** Any admissions to swimming pools, bathing beaches, skating rinks, or other places providing facilities for physical exercise, operated by any State or political subdivision thereof or by the United States or any agency or instrumentality; or

E. **Home and Garden Tours.** Any admission to a home or garden which is temporarily opened to the general public as part of a program conducted by a society or organization to permit the inspection of historical homes and gardens — if no part of the net earnings thereof inures to the benefit of any private stockholder or individual.

F. **Historic Sites.** Any admission to historic sites, houses and shrines, and museums conducted in connection therewith, maintained and operated by a society or organization devoted to the preservation and maintenance of such historic sites, houses, shrines, and museums — if no part of the net earnings thereof inures to the benefit of any private stockholder or individual.

## APPENDIX G

### Public Libraries and Recreation

Recreation, in its broadest and best context, encompasses the area of linguistics and reading and the provision of books, periodicals, and newspapers for public use. While the library may be under another subdivision of the local government, nonetheless, it affords a stimulus to the intellectual, social, and educational curiosity within the leisure of the community. This facility should not be eliminated and left solely to the school as oftentimes regarded by the myopic few as the "right place" for books. The school, the library, and the recreation department can and could coordinate their adult and juvenile reading programs.

A city or town in the Commonwealth may establish and maintain public libraries under regulations established by the city council or town meeting and may receive and hold gifts, bequests and devices for their use.<sup>1</sup>

In a town which appropriates money for the support of a public library, owned by the town, a board of trustees, consisting of such number divisible by three as the town may determine, will be elected by the voters. When the board is established, one-third of its membership will be elected for one year, one-third for two years, and one-third for three years. Thereafter, one-third of the members will be elected each year for three-year terms. The board will choose from its membership a chairman and secretary and, if the town so votes, a treasurer. If the town does not vote to have a treasurer chosen from among the trustees, the town treasurer will act as treasurer of the board of trustees.<sup>2</sup>

The board of trustees of a town public library has custody and management of the library and of all property of the town relating to the library. All money appropriated or received for the library's support and maintenance is expended by the board of trustees. The board must make an annual report to the town of receipts and expenditures, of the property in its custody and of unexpended balances, together with its recommendations.

If the town has no free public library owned and controlled by the town, and has accepted the applicable statute, its library trustees may request the State Board of Library Commissioners to purchase books at a cost of not exceeding one hundred dollars and deliver them to the trustees for the purpose of establishing a free public library. A town whose trustees so request books from the State Board must thereafter appropriate annually from the dog tax,

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<sup>1</sup> Massachusetts General Laws Annotated, Chapter 78, Section 7.

<sup>2</sup> Massachusetts General Laws Annotated, Chapter 78, Section 10.

or from other sources, for the use and maintenance of its free public library the minimum amount provided by statute.<sup>3</sup>

In order to assist boards of trustees of public libraries who seek its advice in securing qualified librarians and assistants, the State Board of Library Commissioners maintains a registry of librarians designed "to give due credit for experience and successful establishment as well as for formal examinations." The State Board certifies and issues certificates to librarians who fulfill the statutory requirements as either professional librarians or sub-professional librarians.

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<sup>3</sup> *Ibid.*



## **APPENDIX H**

### **The Blue Laws**

Famous to the nation and to the world are the "Blue-Laws" of Massachusetts. These laws are often cited humorously by "back-yard" and "barroom lawyers" and comedians and their reality prodded by every entertainment media known to the American public. To the general public and the private citizen of the Commonwealth of Massachusetts and the frequent visitor and tourist, these laws are real and become significant as they relate to the observance of Sunday and legal holidays. More important, the Board of Recreation and the Superintendent of Recreation should know their rulings as they relate to programmed and scheduled recreation events and activities of the municipality.

#### **CHAPTER 136**

##### **OBSERVANCE OF A COMMON DAY OF REST AND LEGAL HOLIDAYS**

Section 1. Sunday shall be a common day of rest. Sections one to eleven, inclusive, of this chapter may be cited as the Common Day of Rest Law.

##### **Sports, Games and Entertainment on Sunday**

Section 2. Whoever on Sunday is present at or engages in dancing or any game, sport, fair, exposition, play, entertainment or public diversion for which a charge in the form of the payment or collection of money or other valuable consideration is made for the privilege of being present thereat or engaging therein, and for which a license has not been granted as provided in section four, shall be punished by a fine of not more than fifty dollars.

Section 3. Whoever on Sunday offers to view, sets up, establishes or maintains, or attempts to set up, establish or maintain, or promotes or assists in such attempt, or promotes, or aids, abets or participates in offering to view, setting up, establishing or maintaining, or acts as proprietor, manager or person in charge of, dancing or any game, sport, fair, exposition, play, entertainment or public diversion for which a charge in the form of the payment of money or other valuable consideration is made for the privilege of being present thereat or engaging therein, and for which a license has not been granted as provided in section four, shall be punished by a fine of not more than two thousand dollars.

Section 4. (1) The mayor of a city or the selectmen of a town, upon written application describing the proposed dancing or game, sport, fair, exposition, play, entertainment or public diversion, except as provided in section one hundred and five of chapter one hundred and forty-nine, may grant, upon such reasonable terms and conditions as they may prescribe, a license to hold on Sunday dancing or any game, sport, fair, exposition, play, entertainment or public diversion for which a charge in the form of payment or collection of money or other valuable consideration is made for the privilege of being present thereat or engaging therein, except horse racing, dog racing, automobile racing, boxing, wrestling and hunting with firearms; provided, however, that no such license shall be issued for dancing for which a charge in the form of the payment or collection of money or other valuable consideration is made for the privilege of engaging therein; and provided further, however, that no license issued under this paragraph shall be granted to permit such activities before

one o'clock in the afternoon; and provided, further, that such application, except an application to conduct an athletic game or sport, shall be approved by the commissioner of public safety and shall be accompanied by a fee of two dollars, or in the case of an application for the approval of an annual license by a fee of fifty dollars.

(2) Licenses may be issued by the authorities designated in paragraph (1) to permit such activities before one o'clock in the afternoon, with the written approval of the commissioner of public safety and upon such reasonable terms and conditions as prescribed by him therein. The application for the approval of the proposed activity by the commissioner shall be in writing and shall be accompanied by a fee of five dollars or in the case of an application for the approval of an annual license by a fee of one hundred dollars.

(3) The licensing authority, or the commissioner of public safety or his designee, may revoke, cancel or suspend any license issued under this section upon evidence that the terms or conditions of such license or provisions of law are being violated; provided, however, that said commissioner shall not revoke, cancel or suspend any license issued under paragraph (1) which he is not required by said paragraph to approve.

(4) The city council of a city or board of selectmen of a town may determine fees for the issuance of licenses not to exceed ten dollars for a license for a single event, nor two hundred dollars for an annual license.

(5) The city council of a city and board of selectmen of a town may make regulations relative to granting of licenses under this section and may revoke or amend them from time to time.

(6) The provisions of this section, in so far as they require a license for the use of radio and television, shall not apply to premises licensed under the provisions of section twelve of chapter one hundred and thirty-eight.

(7) Sections two and three and this section shall not apply to golf, tennis, bowling-on-the-green, skiing, or any activity in a gymnasium or on any rink, court, or field, for which a charge is made only for the privilege of engaging therein and not for the privilege of being present thereat as a spectator.

#### **Business, Trade, Labor or Work on Sunday**

Section 5. Whoever on Sunday keeps open his shop, warehouse, factory or other place of business, or sells foodstuffs, goods, wares, merchandise or real estate, or does any manner of labor, business or work, except works of necessity and charity, shall be punished by a fine of not less than twenty dollars nor more than one hundred dollars for a first offense, and a fine of not less than fifty dollars nor more than two hundred dollars for each subsequent offense, and each unlawful act or sale shall constitute a separate offense.

Section 6. Section five shall not prohibit the following:

(1) Any manner of labor, business or work not performed for material compensation; provided, no public nuisance is created thereby.

(2) The opening of a store or shop and the sale at retail of foodstuffs therein; provided, not more than two persons, including the proprietor, are employed therein on Sunday and throughout the week.

(3) The use or repair of any way or bridge, or the payment and collection of any toll incidental thereto.

(4) The conduct of any public service the continuing operation of which is necessary for the maintenance of life, such as, but not limited to, the operation of hospitals and clinics, or the necessary services of physicians, surgeons, dentists and the like.

(5) The making of emergency repairs for the purposes of immediate and necessary protection of persons, or property including realty, or the towing of any motor vehicle or boat for such purposes.

(6) The manufacture, sale or distribution of steam, electricity, fuel, gas, oxygen, hydrogen, nitrogen, acetylene and carbon dioxide, manufacturing processes which for technical reasons require continuous operation, and the processing of checks, items, documents or data by a bank or trust company.

(7) The operation of radio and television stations; the operation of telephone and telegraph systems; or the preparation, printing, publication, sale and delivery of newspapers, or the taking of pictures.

(8) The performing of secular business and labor on Sunday by any natural person who conscientiously believes that the period between sundown Friday and sundown Saturday ought to be observed as the Sabbath, and actually refrains from conducting secular business and from laboring during that period; provided, he creates no nuisance thereby.

The foregoing provision shall not be construed as permitting the conduct of any secular business on Sunday which is prohibited on Sunday by other provisions of law.

(9) The showing for sale or for rental of non-commercial real property to be used for residential purposes.

(10) The opening of art galleries or the display and sale therein of paintings, objects of art, catalogues and pictures.

(11) The operation of libraries.

(12) The operation of public bathhouses.

(13) The operation of boats for purposes of non-commercial fishing and recreation, or the sale of bait for fishing.

(14) The catching or gathering of seafood and freshwater fish not otherwise prohibited by law.

(15) The letting of horses, vehicles, boats or aircraft for pleasure.

(16) The sale and rental of sporting equipment and clothing on premises where the sport for which the equipment or clothing to be sold or rented is carried on.

(17) The retail sale of fuel, gasoline and lubricating oil.

(18) The retail sale of tires, batteries and automotive parts for emergency use.

(19) The operation of a pleasure vehicle or the piloting of an aircraft.

(20) The sale at retail of growing plants, trees or bushes, and articles incidental to the cultivation of such plants, trees or bushes; and the retail sale and delivery of cut flowers.

(21) The cultivation of land, and the raising and harvesting of agricultural products and fruit, and the making of butter and cheese.

(22) The sale, for consumption off the premises, of food prepared by a common victualler licensed under other provisions of law to serve on Sunday.

(23) The selling or delivering of kosher meat or fish by any natural person who observes Saturday as the Sabbath by closing his place of business from sundown Friday to sundown Saturday.

(24) The making and baking of bakery products and the sale thereof in a shop or store.

(25) The retail sale of tobacco products, soft drinks, confectioneries, baby foods, fresh fruit and fresh vegetables, dairy products and eggs, and the retail sale of poultry by the person who raises the same.

(26) The sale and delivery of ice.

(27) The retail sale of drugs and medicines and the retail sale or rental of mechanical appliances prescribed by physicians or surgeons, and the retail sale of personal health and sanitary supplies.

(28) The retail sale of greeting cards and photographic films.

(29) The sale, at retail, of gifts, souvenirs, antiques, hand crafted goods and art goods, in an establishment primarily engaged in the sale of such merchandise, or on the premises of a licensed common victualler.

(30) The opening of a store or shop primarily engaged in the retail sale of pets, and the sale therein of pets and articles necessary for the keeping, care and feeding of pets.

(31) The transport of goods in commerce, or for a consideration, by motor truck or trailer, between the hours of midnight Saturday and eight o'clock in the morning Sunday and between the hours of eight o'clock in the evening and midnight Sunday.

(32) The transport of goods by rail, water or air; or the loading or unloading of the same.

(33) The transport of persons by licensed carriers and all matters incidental thereto, including the operation of all facilities incidental thereto.

(34) The transport or processing of fresh meat, fresh poultry, fresh fish, fresh seafoods, fresh dairy products, fresh bakery products, fresh fruit or fresh vegetables, or ice or bees, when circumstances require that such work be done on Sunday; or all return trips necessitated thereby.

(35) The transport of livestock, farm commodities and farming equipment for participation in and return from fairs, expositions or sporting events.

(36) The operation of a lodging place, including the letting of rooms and all services necessary and incidental to the letting of rooms.

(37) The shining of shoes before eleven o'clock in the morning.

(38) The employment for a consideration of musicians in parades by any post or camp of an incorporated organization of veterans of any war in which the United States of America was engaged, or by any incorporated civic, religious or fraternal organization, or by any company or association of policemen or firemen.

(39) The necessary preparation for, and the conduct of, events licensed under section four, or activities as to which, under the provisions of paragraph (7) of section four, sections two, three and four do not apply.

(40) Any labor, business or work necessary to the performance of or incidental to any religious exercises, including funerals and burials, the execution of wills or codicils, or any other activity not prohibited nor required to be licensed on Sunday.

(41) Work lawfully done by persons working under permits granted under section seven.

(42) The conduct of the business of an innholder or common victualler.

(43) The conduct of any business licensed under chapter one hundred and thirty-eight which may be conducted on Sunday in accordance with the provisions of said chapter.

Section 7. The police commissioner of the city of Boston, or any member of the police department having a rank not lower than that of captain and designated by said commissioner, or the chief of police or other officer in charge of the police department of any other city or of any town, or the chairman of the board of selectmen of any town where no police department has been established, upon reasonable terms and conditions may issue a permit for the performance on Sunday of necessary work or labor which could not be performed

on any other day without serious suffering, loss, damage or public inconvenience, or which could not be performed on any other day without delay to military defense work.

A permit under this section shall cover not more than one day and shall not be issued more than thirty days prior to the day on which it is to be used.

Section 8. Civil process shall not be served or executed on Sunday, and such service if made shall be void, and the person who serves or executes it shall be liable in damages to the person aggrieved in like manner as if he had no such process; provided, that this section shall not apply to service of such process by publication in a newspaper published on Sunday.

Section 9. Prosecution for violations of sections two, three or five shall be commenced within six months after the offense was committed.

Section 10. In addition to any criminal penalty herein provided the attorney general, a district attorney, a mayor or city manager and city council, or the board of selectmen of the town may petition the superior court in equity to enjoin any violation of this chapter. The superior court shall have original jurisdiction over such petitions in equity and authority to enjoin such violations.

Section 11. The provisions of sections one to ten, inclusive, shall not constitute a defense to an action for a tort or injury suffered by a person on Sunday.

### **Legal Holidays**

Section 12. The public offices shall be closed on all legal holidays, except that on March seventeenth and June seventeenth or the day following when said days occur on Sunday such offices shall be closed in Suffolk county only.

Section 13. The provisions of sections five to eleven, inclusive, shall, except as provided in section fourteen, apply to all legal holidays, except February twenty-second, March seventeenth, April nineteenth and June seventeenth or the day following when said days occur on Sunday.

Section 14. Notwithstanding any provision of this chapter to the contrary, dancing or any game, sport, fair, exposition, play, entertainment or public diversion, including events authorized under chapter one hundred and twenty-eight A, may be conducted on any legal holiday and any labor, business or work necessary or incidental thereto may be performed on any legal holiday, any business licensed under chapter one hundred and thirty-eight may be conducted in accordance with the provisions of said chapter on any legal holiday, and hunting, if otherwise lawful, shall not be prohibited on any legal holiday.

The mayor of a city or the selectmen of a town, upon written application therefor, and upon such terms and conditions as they may prescribe, may grant licenses for the maintenance and operation on May thirtieth, July fourth and the first Monday of September, or the day following when May thirtieth or July fourth occur on Sunday, of establishments for the sale of souvenirs to the tourist trade, articles of beachware and other goods incidental thereto, at amusement parks or beach resorts.

Section 15. The persons designated in section seven may, with respect to any legal holiday to which the provisions of sections five to eleven, inclusive, apply, grant for any such holiday any permit which could be granted under said section, seven, for the performance on Sunday of necessary work or labor,

and, in addition, a permit for the performance of work on such holiday when due to special circumstances relating to manufacturing, serious production inconvenience, will result if such work is not performed on such holiday.

Section five shall not prohibit work lawfully performed by persons working under permits granted under this section.

A permit under this section shall cover not more than one day and shall not be issued more than thirty days prior to the day on which it is to be used.

Section 3. If any provision of sections one to fifteen, inclusive, of chapter one hundred and thirty-six of the General Laws, inserted by section two of this act, is found to be unconstitutional the remaining provisions of said sections shall not be affected thereby.

Section 4. Notwithstanding the provisions of this act, any license granted under the provisions of chapter one hundred and thirty-six of the General Laws as in effect prior to the effective date hereof, shall, subject to said provisions, continue to be valid until its expiration date.

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